

CITY OF SEVEN POINTS

ORDINANCE NO. 167

*Repealed
by #188
02.12.91
Chl. Sec. 5*

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEVEN POINTS, TEXAS TO AMEND THE GENERAL PENALTY FOR VIOLATIONS OF THE CODE; RESTRICT LOITERING; PROVIDE PROCEDURES FOR FILING LIABILITY CLAIMS AGAINST THE CITY; ADOPT A NEW BUILDING CODE; ADOPT NEW FEES FOR DRIVEWAY PERMITS AND EXCAVATION PERMITS; ADOPT A NEW PLUMBING CODE; ADOPT A NEW ELECTRICAL CODE; ADOPT A NEW GAS CODE; ADOPT NEW FEES FOR SIGN PERMITS; ADOPT NEW AMUSEMENT GAME REGULATIONS; ADOPT NEW HOURS FOR ALCOHOLIC BEVERAGE SALES; ADOPT A NEW FIRE PREVENTION CODE; ADOPT NEW STANDARDS FOR MAINTAINING PROPERTY FREE OF UNWHOLESOME CONDITIONS; REPEAL POLICE RESERVE FORCE REQUIREMENTS; ESTABLISH NEW MUNICIPAL COURT RULES; ADOPT A NEW PERSONNEL POLICY MANUAL; ADOPT NEW ABANDONED AND JUNKED MOTOR VEHICLE REGULATIONS; PROVIDE FOR REPAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; PROVIDE FOR AN EFFECTIVE DATE; AND PROVIDE FOR A PENALTY AS PROVIDED FOR IN CHAPTER 1, SECTION 5 OF THE CODE OF ORDINANCES FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

SECTION I

THAT CHAPTER 1, SECTION 5 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

REPEALED
Date 02.12.1991
#188

SECTION 5: GENERAL PENALTY FOR VIOLATIONS OF CODE

Whenever in this code or in any ordinance of the city, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such code or ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding two hundred dollars (\$200.00), except for violations of municipal ordinances that govern fire safety, zoning and public health and

Amended

sanitation including dumping of refuse, in which cases a fine not to exceed one thousand dollars (\$1,000.00) is hereby authorized; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

SECTION II

THAT CHAPTER 1, SECTION 8 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 8: LOITERING

A. LOITERING UNLAWFUL

It shall be unlawful for any person to loiter, as hereinafter defined, in, on, or about any place, public or private, when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and well-being of persons or for the security of property, in the surrounding area.

B. DEFINITIONS

- (1) Loiter - The term "loiter" shall include the following activities: the walking about aimlessly without apparent purpose; lingering; hanging around; lagging behind; the idle spending of time; delaying; sauntering and moving slowly about, where such conduct is not due to physical defects or conditions.
- (2) Place - The term "place", public or private, shall include, but not be limited to, the following: all places commonly known as being distinctively public, such as public streets, public restrooms, sidewalks, parks, municipal airports, parking lots, alleys and buildings; all places privately owned but open to the public generally such as shopping centers, transportation terminals, retail stores, movie theaters, office parking lots, buildings, and restaurants; and all places distinctively private, such as homes or private residences and apartment houses.
- (3) Surrounding Area - The term "surrounding area" shall be defined as follows: that area easily and immediately accessible to the person under observation.

C. EXAMPLES OF LOITERING ACTIVITIES

The term "loiter" is herein defined to include any of the following activities, although this list is not meant to be all inclusive:

- (1) Lingering in the streets, sidewalks, parking lots, or vicinity of a business, in which the person has no ownership or employment interest, either within or outside of a vehicle, when the premises are not open for business to the public.
- (2) Failure to leave private property when requested to do so by the owner, manager, proprietor, or lessee of such property.
- (3) Walking, standing, driving a vehicle, or parking a vehicle in the business district or nonresidential areas of the city under circumstances that show no apparent business or employment related need for such activity.
- (4) Lingering in the street, sidewalks, or vicinity of a residence, either within or outside of a vehicle, without the permission of the owner or tenant of the residence.
- (5) Lingering in the streets, alleys, sidewalks, parks, or other public places, either within or outside of a vehicle, under circumstances that show no apparent reason or business to do so.
- (6) The systematic checking by a person of doors, windows, or other means of access to buildings, houses, or vehicles.
- (7) Repeated activity by a person, continuous or broken, which outwardly manifests no purpose, such as going from one place to another and back with no showing of use for such movement.
- (8) Continuous presence by a person in close proximity to any building, house, vehicle, or any other property or to any other person, at any time, when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreasonable period of time under the circumstances then existing.

D. EXEMPTIONS

The following activities shall not be considered "loitering" and shall be exempt from the provisions of this section.

- (1) A person shall not be considered loitering while in direct route, and not lingering, to or from work or to or from place of residence.
- (2) A person shall not be considered loitering while engaged in the repair of a disabled vehicle.

- (3) A person under the age of eighteen (18) shall not be considered loitering while engaged in, or in direct route to school, church, or entertainment activities with permission of his or her parent or guardian.
- (4) A person shall not be considered loitering while sleeping in a vehicle, provided the vehicle is parked on private property with the permission of the owner or manager of the premises, or if the vehicle is parked on public property, with permission of a police officer.

E. NO LOITERING SIGNS

Businesses desiring to have police department enforce the provisions of this ordinance on the business premises shall erect a "No Loitering" sign which is clearly visible to persons entering the property.

SECTION III

THAT CHAPTER 1, SECTION 21 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 21: CLAIMS FOR DAMAGES AGAINST CITY

A. The City of Seven Points shall never be liable for any claim for property damage or for personal injury, whether such personal injury results in death or not, unless the person damaged or injured, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall, within sixty (60) days, or within six (6) months for good cause shown, from the date the damage or injury was received, give notice in writing to the mayor and city council of the following facts:

- (1) The date and time when the injury occurred and the place where the injured person or property was at the time when the injury was received;
- (2) The nature of the damage or injury sustained;
- (3) The apparent extent of the damage or injury sustained;
- (4) A specific and detailed statement of how and under what circumstances the damage or injury occurred;

- (5) The amount for which each claimant will settle;
 - (6) The actual place of residence of each claimant by street, number, city and state on the date the claim is presented;
 - (7) In the case of personal injury or death, the names and addresses of all persons who, according to the knowledge or information of the claimant, witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed.
 - (8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.
- B. No suit of any nature whatsoever shall be instituted or maintained against the City of Seven Points unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the city council for redress, satisfaction, compensation or relief, as the case may be, and that the same was by vote of the city council refused.
 - C. All notices required by this section shall be effectuated by serving them upon the city secretary at the Seven Points City Hall and all such notices shall be effective only when actually received in the office of the city secretary.
 - D. Neither the mayor, city councilmember, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this section.
 - E. The written notice required under this section shall be sworn to by the person claiming the damage or injuries or by someone authorized by him to do so on his behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the city council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

SECTION IV

THAT CHAPTER 3, SECTION 1 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1: STANDARD BUILDING CODE ADOPTED

There is hereby adopted by the City of Seven Points, Texas for the purpose of establishing rules and regulations for the erection, construction, enlargement, alteration, repair, moving, removal,

conversion, demolition, occupancy, equipment, use, height, area, and maintenance of all buildings or structures, that certain Building Code known as the Standard Building Code, recommended by the Southern Building Code Congress International, Inc., being particularly the 1985 Edition thereof, and the whole thereof, except as hereinafter amended, including all Appendixes thereto, except Appendix A, Appendix G, and Appendix K, one (1) copy of said code is on file in the office of the city secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein. The provisions of the Standard Building Code, 1985 Edition, and all Appendixes thereto except Appendix A, Appendix G, and Appendix K shall be controlling in the construction of all buildings and other structures within the city limits of the City of Seven Points.

SECTION V

THAT CHAPTER 3, SECTION 2 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 3: AMENDMENTS TO STANDARD BUILDING CODE

All provisions of the Standard Building Code adopted in Section 1 shall be applicable with the exception of the following amendments thereto:

The provisions of the Standard Building Code shall be enforced by a Building Official who shall be appointed by the City Council.

B. UNSAFE BUILDINGS

- (1) All buildings or structures which are unsafe, dangerous, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure outlined in this section.
- (2) For the purpose of this section, a "dangerous or unsafe building" is defined as a building which possesses one (1) or more of the following qualities:

- (a) Any building with roof, ceiling, floor, seal, or foundation, or any combination thereof which is rotted or decayed and falling apart; with windows out, uninhabitable and untenable, due to obsolescence and deterioration caused by neglect, vandalism, fire damage, aging or the elements.
 - (b) Any building in danger of falling and injuring any person, persons, or other property which might be on and about said premises.
 - (c) Any building which is a fire menace by virtue of containing in or near said building an accumulation of trash, rubbish, or debris; or which, by virtue of abandonment or neglect, is likely to attract children or transients who may start fires on said premises; or which contains an accumulation of combustible material which may take fire either by accident or on purpose.
 - (d) Any building which is damp or in an unsanitary condition and is likely to create disease and sickness; or which is likely to provide breeding places and habitat for snakes, rats, mice, and other vermin which are detrimental to the public health.
- (3) When it shall come to the notice of the city council that a building or structure is dangerous or unsafe as above defined, the city council shall instruct the building official to cite said owner of such building or structure, or his authorized agent or representative, to appear and show cause why such building shall not be declared to be a dangerous or unsafe building or structure and why he should not be ordered to vacate, repair, remove, or demolish and clear such building or structure. The date of such hearing shall be not less than ten (10) days after such citation shall have been made.
- (4) Such citation may be served by delivery of a copy thereof to the owner, or the person in possession, or if such premises be unoccupied, by attaching a copy of such citation in a place of prominence on such building or structure.
- (5) On the date set in such citation for hearing, hearing shall be had and on a basis of such hearing, the city council shall determine whether or not such building or structure is an unsafe or dangerous building or structure, and if determined to be dangerous or unsafe, the city council shall issue such orders as shall appear reasonably necessary to prevent the said building or structure from being a hazard to life or property and to eliminate the said building or structure's dangerous and unsafe qualities.

- (6) The following standards shall be followed in substance by the city council in ordering repair, vacation, and demolition and clearance:
- (a) If the dangerous or unsafe building or structure can be reasonably repaired so that it will no longer be unsafe or dangerous as above defined, it shall be ordered repaired.
 - (b) If the building or structure is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants or of the public, it shall be ordered to be vacated.
 - (c) In any case where a building or structure is fifty (50) percent damaged or decayed, it shall be removed or demolished, and in all cases where a building cannot be repaired so that its existence will no longer be dangerous or unsafe, it shall be demolished and cleared or removed.
- (7) In any case where the city council orders a dangerous or unsafe building or structure repaired or demolished and cleared or removed, and the owner of any such premises or building or structure fails to correct, remedy, or remove such condition, and the owner, or duly authorized representative of the owner shall have exhausted his rights and remedies under this section, the city council may order such work or make such improvements as are necessary to correct, remedy, or remove such conditions, or cause the same to be done, and pay therefor, and charge the expenses incurred thereby to the owner of such lot or premises. Such expenses shall be assessed against the lot or real estate upon which the work was done, the improvements made, or the demolishing and clearing or removal of dangerous or unsafe buildings or structures accomplished. The doing of such work by the city or the ordering of same by the city council shall not relieve such person from the prosecution for failure to comply with notice.
- (8) Whenever any work is done or improvements are made or any dangerous or unsafe building or structure is repaired, demolished, cleared or removed by the city under the provisions of paragraph (7) above, the mayor on behalf of the city, shall file a statement of the expenses incurred thereby with the county clerk. Such statement shall give the amount of such expenses and the date or dates on which the work was done, or the expenses incurred, and the costs of demolishing, clearing, repairing or removing the unsafe conditions or dangerous building and structures. When this statement is filed with the county clerk, the City of Seven Points, Texas, shall have a privileged lien on the lot or real estate upon which the work was done, or improvement made, or repairs

make, or dangerous building repaired, removed, or demolished and cleared to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten percent (10%) per annum from the date the statement was filed with the county clerk. For any such expenditures, expense and interest, suit may be instituted against the owner or owners, but the city may not recover any removal expenses by forcing sale of the subject land or realty. The statement of expenses for repair made herein and filed with the county clerk, or a certified copy thereof, shall be prima facie proof of the amount expended for such work, improvements, repairs, demolition, clearance, or removal.

- (9) Any person who shall use or fail to leave a building or structure which has been ordered vacated under the terms of this section, or who shall enter an area around such building or structure that has been declared to be dangerous and notice of which declaration shall have been posted, and/or any person who shall interfere or hinder the vacation, repair, or demolition and clearance of any building under the terms of this section shall be deemed guilty of a misdemeanor. In case the owner or occupant of any dangerous or unsafe building or structure ordered vacated, repaired, or demolished and cleared under the terms of this section shall be a corporation, and shall violate any provision of this section, the president, vice-president, secretary or treasurer of such corporation, or any manager, agent, or employee of such corporation, shall be also severally liable for the penalties provided in this section.

C. REQUIREMENTS NOT COVERED BY CODE

Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by the Building Code, shall be determined by the building official subject to appeal to the city council.

D. ALTERNATE MATERIALS AND ALTERNATE METHODS OF CONSTRUCTION

The provisions of the Building Code are not intended to prevent the use of any material, or method of construction not specifically prescribed by this Code, provided any such alternate has been approved and its use authorized by the building official. The building official shall approve any such alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of Chapter 12, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Code in quality, strength, effectiveness, fire-resistance, durability and safety. The building

official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval the applicant may refer the entire matter to the city council.

E. LIABILITY

Any officer or employee or member of the city council charged with the enforcement of the Building Code, acting for the city council the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of the Building Code shall be defended by the city attorney until the final termination of the proceedings.

F. PERMIT FEES

On all buildings, structures or alterations requiring a building permit, as set forth in Section 103, a fee for each building permit shall be paid as required at the time of filing application, in accordance with the following schedule:

(1) Building Permit Fees

<u>Total Valuation</u>	<u>Fee</u>
\$1,000 to \$15,000	\$4.00 per thousand or fraction thereof
\$15,000 and up	\$60.00 for the first \$15,000 plus \$ 3.00 for each additional thousand or fraction thereof
Minimum	\$20.00 per permit

(2) Moving Permit Fees

For the moving of any building or structure, the fee shall be \$15.00.

(3) Demolition Permit Fees

For the demolition of any building or structure, the fee shall be \$15.00.

G. APPEALS

Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed, or materials to be used in the erection or alteration of a building or structure, or when it is claimed that the provisions of the Building Code do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official to the city council.

K. CHAPTER 3 FIRE DISTRICT

Chapter 3 Fire District is hereby deleted.

SECTION VI

THAT CHAPTER 3, SECTION 3 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 3: CURB, GUTTER, DRIVEWAY AND CULVERT INSTALLATIONS

It shall be unlawful for any person to construct, reconstruct, or repair any sidewalk, driveway, curb, gutter or drainage facility in the streets and alleys of the city without first obtaining a permit. The fee for such permit shall be ten dollars (\$10.00). Plans for such work shall be approved by the building official. All construction shall be done at the property owners expense and in accordance with city specifications.

SECTION VII

THAT CHAPTER 3, SECTION 4 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 4: EXCAVATION IN CITY STREETS

- A. It shall be unlawful for any person, firm or corporation to make any excavation or embankment in any street, alley, or public easement in the city without first having obtained a permit from the city. The fee for such permit shall be ten dollars (\$10.00). The permit shall specify the date and time of day of proposed excavation. Public utility companies holding a valid franchise with the city may perform emergency work, but it shall be necessary for any such utility company to obtain a permit within twenty-four (24) hours following such work or the next day the city is open for business. Utility companies shall not be required to pay a fee.

- B. The person or firm responsible for such excavation referred to in subsection A above, shall immediately, as soon as practical, replace the street in as good a condition as existed prior to the excavation or deposit monies with the city in an amount sufficient to accomplish the work. Such repair work shall be in accordance with standard city specifications for street cut repairs.
- C. The person responsible for excavations referred to in subsection A above shall place proper guardrails and signal lights around the excavation or embankment to warn the public.

SECTION VIII

THAT CHAPTER 3, SECTION 5 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 5: ADOPTION OF PLUMBING CODE

There is hereby adopted for the purpose of prescribing regulations governing installation, alteration, repair, and replacement of plumbing, piping, fittings, fixtures, and equipment which may be connected to the water and sewer system in the city, that certain code known as the Standard Plumbing Code, recommended by the Southern Building Code Congress International, Inc., except Appendix A and Appendix H being particularly the 1985 Edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended. A copy of the Code has been and is now filed in the office of the city secretary and the same is hereby adopted and incorporated as fully as if set out at length herein.

SECTION IX

THAT CHAPTER 3, SECTION 6 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 6: AMENDMENTS TO STANDARD PLUMBING CODE

All provisions of the Standard Plumbing Code adopted in Section 5, shall be applicable with the exception of the following amendments thereto:

A. PLUMBING DEPARTMENT

The provisions of the Standard Plumbing Code shall be enforced by the building official.

B. REQUIREMENTS NOT COVERED BY CODE

Any requirement necessary for the strength or stability of an existing or proposed plumbing installation, or for the safety or health not specifically covered by the Plumbing Code, shall be determined by the building official subject to appeal to the city council.

C. ALTERNATE MATERIALS AND ALTERNATE METHODS OF CONSTRUCTION

The provisions of the Plumbing Code are not intended to prevent the use of any material, or method of construction not specifically prescribed by this Code, provided any such alternate has been approved and its use authorized by the building official. The building official shall approve any such alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of Chapter 17, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Code in quality, strength, effectiveness, fire-resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval the applicant may refer the entire matter to the city council.

D. LIABILITY

Any officer or employee or member of the city council charged with the enforcement of the Plumbing Code, acting for the city council the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of the Plumbing Code shall be defended by the city attorney until the final termination of the proceedings.

E. PERMIT FEES

On all plumbing work requiring a plumbing permit, as set forth in Section 103, a fee for each plumbing permit shall be paid as required at the time of filing application, in accordance with the following schedule:

For each permit	\$25.00
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F. APPEALS

Whenever the building official shall reject or refuse to approve the mode or manner of plumbing work to be followed, or materials to be used in the installation or alteration of a plumbing system, or when it is claimed that the provisions of the Plumbing Code do not apply, or that an equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official to the city council.

SECTION X

THAT CHAPTER 3, SECTION 7 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 7: NATIONAL ELECTRICAL CODE ADOPTED

The 1987 Edition and all subsequent editions, revisions, standards, or supplements thereto of the National Electrical Code of the National Fire Protection Association, is hereby adopted by reference and made part of this section as the general standard for electrical equipment and installations of the city, except such provisions thereof as may be in conflict with this section or other ordinances of the city. All electrical equipment installed or used in the city and all installations of electrical equipment shall be reasonably safe to persons and property in conformity with the standards provided in the National Electrical Code, 1987 Edition, and with the provisions of this section and applicable state statutes and any rules and regulations issued by authority thereof. A copy of the National Electrical Code, referred to herein, is on file in the office of the city secretary for reference and inspection.

SECTION XI

THAT CHAPTER 3, SECTION 16 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 16: ELECTRICAL PERMIT FEES

Before any electrical permit shall be issued, the applicant therefor shall pay a fee as follows:

For each permit	\$25.00
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SECTION XII

THAT CHAPTER 3, SECTION 18 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 18: ADOPTION OF GAS CODE

There is hereby adopted for the purpose of prescribing regulations governing the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designed to convey or carry the same to gas appliances designed to utilize such gas as a fuel, within the City of Seven Points, Texas, that certain Code known as the Standard Gas Code recommended by the Southern Building Code Congress International, Inc., except Appendix A and Appendix C, being particularly the 1985 Edition thereof, save and except such portions as are hereinafter deleted, modified or amended.

SECTION XIII

THAT CHAPTER 3, SECTION 19 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 19: AMENDMENTS TO STANDARD GAS CODE

All provisions of the Standard Gas Code adopted in Section 18, shall be applicable with the exception of the following amendments thereto:

A. GAS DEPARTMENT

The provisions of the Standard Gas Code shall be enforced by the building official.

B. REQUIREMENTS NOT COVERED BY CODE

Any requirement necessary for the safe installation of a gas system or for the public safety or health not specifically covered by the Gas Code, shall be determined by the building official subject to appeal to the city council.

C. ALTERNATE MATERIALS AND ALTERNATE METHODS OF CONSTRUCTION

The provisions of the Gas Code are not intended to prevent the use of any material, or method of construction not specifically prescribed by this Code, provided any such alternate has been

approved and its use authorized by the building official. The building official shall approve any such alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of Chapter 11, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Code in quality, strength, effectiveness, fire-resistance, durability and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval the applicant may refer the entire matter to the city council.

D. LIABILITY

Any officer or employee or member of the city council charged with the enforcement of the Gas Code, acting for the city council the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of the Gas Code shall be defended by the city attorney until the final termination of the proceedings.

E. PERMIT FEES

On all gas system work requiring a gas permit, as set forth in Section 103, a fee for each gas permit shall be paid as required at the time of filing application, in accordance with the following schedule:

None - Fee included in Building Permit Fee

F. APPEALS

Whenever the building official shall reject or refuse to approve the mode or manner of gas system work to be followed, or materials to be used in the installation or alteration of a gas system, or when it is claimed that the provisions of the Gas Code do not apply, or that an equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal from the decision of the building official to the city council.

SECTION XIV

THAT CHAPTER 3, SECTION 21.D OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 21: SIGNS

D. FEE FOR PERMITS

The fee for sign permits will be twelve dollars and fifty cents (\$12.50) payable upon issuance of permit.

SECTION XV

THAT CHAPTER 4, SECTION 3 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 3: AMUSEMENT GAMES

A. PERMIT REQUIRED

It shall be unlawful for any person, firm, association or persons, corporations and every other organization, to own, operate, or exhibit for play any pool table, marble machine, pin ball machine, shuffle board, dart board, domino table, coin-operated amusement machine, or any other table or device where games can be played, without first having obtained a permit from the City of Seven Points, Texas, and the permit shall be displayed at all times in some conspicuous place in such place of business.

B. FEES

The city secretary is authorized to collect an annual fee of ten dollars (\$10.00) per business plus seven dollars and fifty cents (\$7.50) per table or machine, in advance on the anniversary dates of the first permit issued to such establishment.

C. NUMBER OF PERMITS

Only one (1) permit shall be required of each business establishment regardless of the number of tables or devices on which the business establishment is paying the required fee.

D. APPLICATION PROCEDURE

Any person, firm or corporation desiring a permit under the terms of this section shall make an application and at the same time tendering to the city secretary the required annual fee for the permit and the application shall contain the following information:

- (1) Name and address of the establishment.
- (2) Name, residence address and title of the applicant.
- (3) Number and short description of all tables, machines or amusement devices to be operated.
- (4) Date of the application.

E. GAMBLING PROHIBITED

Whenever it comes to the knowledge of any duly constituted member of the police department of the City of Seven Points, Texas, or member of the sheriff's office, officer of the Department of Safety, agent of the Texas Alcoholic Beverage Commission, or other duly constituted peace officer, that any provision of this, or any other section of this Code of the City of Seven Points, or law of the State of Texas, has been or is being violated in an establishment having a permit to operate tables, machines or amusement devices, such officer is herewith authorized to confiscate any money or valuable thing being wagered, or gambled, on any game on any table, machine or amusement device, and to immediately suspend the operation of all tables, machines and devices in said establishment until a hearing can be had before the City Council of the City of Seven Points, Texas.

F. HOURS AMUSEMENT GAMES MAY BE PLAYED

It shall be unlawful for any person, firm, association of persons or corporation engaged in the operation of an establishment within the city limits of the City of Seven Points, Texas, which serves or offers for sale and the consumption of alcoholic beverages of any description and which also maintains, operates or exhibits for play any pool table, marble machine, pin ball machine, shuffle board, dart board, domino table or any other table or amusement device where games can be played to allow the operation of such table or amusement device after such time as the establishment is required to stop serving alcoholic beverages as determined by the current liquor license held by the owner or operator of such establishment.

G. HEARING

Whenever, at a hearing before the City Council of the City of Seven Points, Texas at a regular or special called meeting, it is determined that any provision of this section or any ordinance of the City of Seven Points, Texas, or law of the State of Texas, have been violated in a business establishment having a permit to operate tables, machines or amusement devices, the city council may suspend the operation of all tables, machines, or amusement

devices in such establishment for periods of time ranging from one (1) day to ninety (90) days.

H. PENALTY

Whoever shall knowingly allow the operation of tables, machines or amusement devices in a place of business which does not have a permit issued under the terms of this section, or allow the operation of tables, machines, or amusement devices in a place of business during the time when a permit is suspended as provided for in this section, shall be guilty of a misdemeanor, and each day of such violation shall be deemed a separate offense.

SECTION XVI

THAT CHAPTER 4, SECTION 5 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 5: ALCOHOLIC BEVERAGES, HOURS OF SALE

A. LIQUOR

- (1) Except as provided in (2), (3), and (4) below, no person may sell, offer for sale, or deliver any liquor within the city:
 - (a) on Christmas Day, New Year's Day, or Thanksgiving Day;
 - (b) on Sunday; or
 - (c) before 10:00 a.m. or after 9:00 p.m. on any other day.
- (2) A wholesaler or a local distributor's permittee may sell, offer for sale, or deliver liquor to a retailer between 7:00 a.m. or 9:00 p.m. on any day except Sunday and Christmas Day.
- (3) A mixed beverage permittee may sell and offer for sale mixed beverages between 7:00 a.m. and midnight on any day except Sunday. On Sunday he may sell mixed beverages between midnight and 1:00 a.m. and between noon and midnight, except that the holder of a mixed beverage later hours permit may also sell mixed beverages between midnight and 2:00 a.m. on any day.
- (4) The hours of sale and delivery for alcoholic beverages sold under a wine and beer retailer's permit or a wine and beer retailer's off-premise permit are the same as those prescribed for the sale of beer in subsection B below.

B. BEER

No person may sell, offer for sale, or deliver beer at any time other than between 7:00 a.m. and midnight on any day except Sunday, and on Sunday between midnight and 1:00 a.m. and between noon and midnight, except that a holder of a retail dealer's on-premise late hours license may also sell beer between midnight and 2:00 a.m. on any day.

SECTION XVII

THAT CHAPTER 5, SECTION 1 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1: ADOPTION OF FIRE PREVENTION CODE

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code recommended by the Southern Building Code Congress International, Inc., being particularly the 1985 Edition thereof, and the whole thereof, save and except Appendix A and Appendix B and such portions as are hereinafter deleted, modified or amended. A copy of said Code has been and now is filed in the office of the city secretary and the same is hereby adopted and incorporated as fully as if set out in length herein.

SECTION XVIII

THAT CHAPTER 5, SECTION 3 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 3: AMENDMENTS TO STANDARD FIRE PREVENTION CODE

Section 105 of the Fire Prevention Code is hereby revised to read as follows:

APPEALS

Whenever it is claimed that the provisions of the Fire Prevention Code do not apply or the fire official shall reject an alternate material, method of construction, or when it is claimed that the true intent and meaning of this Chapter has been misinterpreted, the owner or his duly authorized agent may appeal the decision of the fire official to the city council.

SECTION XIX

THAT CHAPTER 6, SECTION 4 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 4: PROPERTY TO BE KEPT FREE OF UNWHOLESOME CONDITIONS

A. UNWHOLESOME CONDITIONS SPECIFIED; UNLAWFUL TO MAINTAIN

- (1) It shall be unlawful for the owner, lessee, or occupant of any land, tract, or lot or any portion thereof regardless of size within the corporate limits of the city, to fail to maintain said property free of weeds, grass and undergrowth over six (6) inches tall, or to fail to maintain said property free from household trash, garbage, used building materials and supplies, junk, used and/or discarded household fixtures or appliances, toxic materials, stagnant water, sewage, dead animals, brush piles, debris, rubbish, materials which may constitute a fire hazard, and any other matter or materials which may be detrimental to the health, safety and welfare of the citizens of the city.
- (2) The above requirement to maintain weeds, grass and undergrowth to a height of less than six (6) inches shall not be applicable to undeveloped property located more than fifty (50) feet from a public street or more than fifty (50) feet from developed property.

B. ABATEMENT OF UNWHOLESOME CONDITIONS; NOTICE

It shall be the duty of the city secretary upon having knowledge of any land, tract, lot or portion thereof regardless of size within the corporate limits of the city, that is in violation of this section to serve written notice to the owner, lessee or occupant either by hand delivering in person or by depositing notice in the United States mail (certified mail, return receipt requested). Such notice shall state the nature of the violation, the legal address of the property in violation, and the name of the person to whom notice was sent or delivered.

Upon being served with such notice, the owner, occupant, lessee or any other person having control of the property shall have ten (10) days from the date of notification to bring said property into compliance with the provisions of this section. In the event no address for the owner, lessee or occupant, or any person having control of the property, or if notice of violation is returned to the city unclaimed, then the city secretary is hereby authorized to attempt to notify such person by citation in the official newspaper of the City of Seven Points at least two (2) times within ten (10) consecutive days. Such notice shall contain therein a legal description of the subject property and the name of the record owner and of any other persons or parties thought to have ownership interest in such property. In addition to the recorded owner, the notice shall also be addressed to "To Whom It May Concern."

C. ABATEMENT EXPENSES; PROPERTY ASSESSMENTS; LIEN

After the proper giving of notice as hereinabove mentioned, the City of Seven Points may cause any of the work or improvements mentioned or required in subsection A hereof to be done initially at the expense of the city, on the account of the owner, lessee or occupant of the property on which such work or improvements are done, and cause all of the actual cost to the city to be assessed on the real estate or lot on account of which such expense is incurred. The city secretary shall file a statement of expenses incurred under this section giving the amount of such expenses, the date on which such work was done and a description of the premises upon which such work was done or improvements made with the County Clerk of Henderson County. The city shall have a privileged lien on such lot or real estate upon which such work was done or improvements made to secure the expenditures so made, in accordance with the provisions of Article 4436, Revised Civil Statutes, which lien shall be second only to tax liens and liens for street improvements, and such amount shall bear ten (10) percent interest from the date the statement was filed. For any such expenditures and interest, as aforesaid, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the city, and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

D. PENALTY

Any person who violates the provisions of subsection A of this section shall be deemed guilty of a misdemeanor; and upon conviction shall be fined a sum not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) each day that a violation exists and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. Furthermore, any person who obstructs or attempts to obstruct the City of Seven Points, any of its employees or authorized agents from enforcing the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined a sum not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00).

SECTION XX

THAT CHAPTER 7, SECTION 1.1 OF THE CODE OF ORDINANCES ESTABLISHING POLICE RESERVE FORCE REQUIREMENTS IS HEREBY REPEALED.

SECTION XXI

THAT CHAPTER 7, SECTION 4 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 4: MUNICIPAL COURT AND CRIMINAL PROCEDURES

A. CREATION OF MUNICIPAL COURT

There is hereby created a court in and for the City of Seven Points, Texas, which shall be known as the municipal court. This court shall have jurisdiction within the city with power to hear and determine all cases of alleged violations of the ordinances of the city and all other cases over which municipal courts are generally given jurisdiction by state law.

B. JUDGE

(1) Office of Judge Created

There is hereby created the office of judge of the municipal court who shall have all the powers and authority as granted by state law and the ordinances of this city, and shall perform all the duties as required by state law and the ordinances of this city.

(2) Appointment of Judge

- (a) The city council shall appoint the Municipal Judge of the City of Seven Points, Texas.
- (b) The municipal judge shall be appointed for a term of two (2) years and such terms shall coincide with the term of the mayor. The municipal judge shall take office immediately following the appointment.

(3) Compensation

The municipal judge shall be compensated for his services at a rate set by the city council which shall be commensurate with the time involved in executing his duties.

(4) Continuing Judicial Education

The municipal judge shall each year meet the annual continuing judicial education requirements of the State Government Code, Section 29.008.

(5) Removal of Judge

The judge of the municipal court may be removed by the city council for incompetency, corruption, misconduct or malfeasance in office, after due notice and an opportunity to be heard in his defense.

The judge of the municipal court may also be removed from office by a city council resolution declaring a lack of confidence in the judge; provided, that two-thirds (2/3) of the city council vote in favor of said resolution.

(6) Oath Requirement for Judge

The judge of the municipal court, prior to taking office, shall take the oath of office required by the state constitution and state laws. This is the oath required by the state laws for mayors of cities.

C. COURT CLERK

(1) Appointment of Court Clerk

The city secretary shall serve as ex-officio court clerk of the municipal court, who may be authorized to appoint a deputy with the same power. The city secretary shall hold such office during his or her term of office as city secretary.

(2) Duties

The court clerk or deputy court clerk of the municipal court shall keep minutes of the proceedings of the municipal court, issue all process, and generally perform all duties of the clerk of a court as prescribed by law for a county clerk insofar as the same may be applicable.

D. CITY PROSECUTOR

The duly appointed city attorney shall serve as ex-officio prosecutor in the municipal court. The city council shall prescribe the compensation for the prosecutor which shall be paid out of the city treasury.

E. BAILIFF

The chief of police or his designee shall serve as bailiff to preserve order and decorum while court is in session.

F. WARRANT OFFICER

The chief of police or his designee shall serve as warrant officer to serve all process or papers issued by the municipal court.

G. WARRANTS OF ARREST

Upon failure of a person to report as ordered after such person has received due notice, issuing from a police officer or magistrate, that such person has violated a law or ordinance of the City of Seven Points or the State of Texas, the municipal judge shall order that a warrant of arrest shall issue and be served for the arrest of such person who fails to appear as directed. A special expense of twenty-five dollars (\$25.00) for the issuance and service of such warrant for arrest shall be collected from the person who fails to appear and against whom the warrant for the arrest is issued. All fines and special expenses for the issuance and service of warrants shall be paid into the city treasury for the use and benefit of the city.

SECTION XXII

THAT CHAPTER 7, SECTION 7 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 7: PERSONNEL POLICY MANUAL ADOPTED

There is hereby adopted by reference the Personnel Policy Manual, 1987 Edition, of the City of Seven Points, Texas. The Personnel Policy Manual is on file in the city secretary's office. The city secretary shall be responsible for maintaining the Personnel Policy Manual up to date as future amendments are adopted by Ordinance of the City Council.

SECTION XXIII

THAT CHAPTER 9, SECTION 5 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 4: ABANDONED AND JUNKED MOTOR VEHICLES

A. DEFINITIONS

- (1) Abandoned Motor Vehicle - A motor vehicle that is inoperable and over eight (8) years old and is left unattended on public property for more than forty-eight (48) hours, or a motor vehicle that has

remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours, or a motor vehicle left unattended on the rights-of-way of any designated county, state or federal highway within this state in excess of forty-eight (48) hours, or in excess of twelve (12) hours on any turnpike project constructed and maintained by the Texas Turnpike Authority.

- (2) Antique Auto - Passenger cars or trucks that were manufactured in 1925 or before, or which become thirty-five (35) or more years old.
- (3) Collector - The owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.
- (4) Demolisher - Any person whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to dismantle motor vehicles.
- (5) Garagekeeper - Any owner or operator of a parking place or establishment, motor vehicle storage facility, or any establishment for the service, repair or maintenance of motor vehicles.
- (6) Junked Vehicle - Any motor vehicle as defined in Section 1 of Article 6701D-11, Vernon's Texas Civil Statutes, as amended:
 - (a) That is inoperative; and
 - (b) That does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate, that is wrecked, dismantled, partially dismantled or discarded, or that remains inoperable for a continuous period of more than forty-five (45) days.
- (7) Motor Vehicle - Any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.
- (8) Special Interest Vehicle - A motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.
- (9) Storage Facility - A garage, parking lot or any type of facility or establishment for the servicing, repairing, storing or parking of motor vehicles.

B. ENFORCEMENT GENERALLY

The administration of this section shall be the responsibility of the chief of police or such department, officer or employee of the city he may authorize. Whoever is so authorized may enter upon private property for the purposes specified in the procedures adopted in this section to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the procedures. The municipal court shall have authority to issue any order necessary to enforce the procedures set out in this section. Nothing in this section shall affect parking or other ordinances of the City of Seven Points which permit the immediate removal of a vehicle left upon public property or on public rights-of-way when such vehicle constitutes an obstruction of traffic.

C. AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES

The police department is authorized to take into custody any abandoned motor vehicle found on public or private property.

D. NOTICE OF IMPOUNDMENT

The police department shall notify within ten (10) days, by certified mail, return receipt requested, the last known registered owner and all lienholders of record pursuant to the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), that it has taken into custody an abandoned motor vehicle under the provisions of this section. The notice shall describe the year, make, model and vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lienholders of their right to reclaim the motor vehicle not later than the 20th day after the date of the notice, on payment of all towing, preservation and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction to be held by the city.

E. AUCTION SALES; DISPOSITION OF PROCEEDS GENERALLY

- (1) If an abandoned motor vehicle has not been reclaimed within twenty (20) days after the date of notice and payment of all towing, preservation and storage charges resulting from its impoundment, the police department shall sell the abandoned motor vehicle at a public auction. Proper notice of the public auction shall be given and, in the event a vehicle is to be sold in satisfaction of a garagekeeper's lien, the garagekeeper shall be notified of the time and place of such auction.

- (2) The police department shall furnish a sales receipt for each vehicle to the purchaser thereof at the public auction. The proceeds shall be applied first to reimburse the police department for the expenses of the auction, costs of towing, preserving and storing the vehicle, and all notice and publication costs, and any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the special fund which shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned vehicles in custody, whenever the proceeds from a sale of such other abandoned motor vehicles are insufficient to meet these expenses and costs.

F. CUSTODY OF VEHICLE BY GARAGEKEEPER, POLICE DEPARTMENT;
FEE TO ACCOMPANY REPORT OF GARAGEKEEPER; PROCEEDS OF
SALE TO GARAGEKEEPER AND POLICE

- (1) The police department, upon receipt of a report from a garagekeeper of the possession of a vehicle deemed abandoned under the provisions of this section, shall follow the notification procedures set forth herein for the giving of notice to owners and lienholders of abandoned vehicles, except that custody of the vehicle shall remain with the garagekeeper until after the notification requirements have been complied with. A motor vehicle left with a garagekeeper in a storage facility shall be deemed abandoned under the conditions of Article 6687-9, Vernon's Texas Civil Statutes, as amended.
- (2) A fee of two dollars (\$2.00) shall accompany the report of the garagekeeper and such fee shall be retained by the police department receiving the report and used to defray the cost of notification or other costs incurred in the disposition of such vehicles, and such fee shall be deposited in the general fund of the city. Abandoned vehicles left in storage facilities, which are not reclaimed after notice given in accordance with this section, shall be taken into custody by the police department and sold at auction, as in the cases of other abandoned motor vehicles. The proceeds of the sale shall first be applied to the garagekeeper's charges for servicing, storage and repair; provided, however, that the police department shall retain an amount of two percent (2%) of the gross proceeds of the sale for each vehicle auctioned, but in no event shall it retain less than ten dollars (\$10.00), to be used to defray expenses of custody and auction.

G. DISPOSAL OF VEHICLE TO DEMOLISHER

The police department is authorized to apply to the Texas Highway Department for authority to sell, give away or dispose of any abandoned vehicle in its possession to a demolisher in accordance with the provisions of Article 6687-9, Vernon's Texas Civil Statutes, as amended.

H. JUNKED VEHICLES DECLARED A PUBLIC NUISANCE

Junked vehicles which are located in any place where they are visible from a public place or public right-of-way are detrimental to the safety and welfare of the general public, reduce the value of private property, invite vandalism, create fire hazards, constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economical welfare of the state by producing urban blight which is adverse to the maintenance and continuing development of the City of Seven Points, and such vehicles are therefore declared to be a public nuisance.

I. PROCEDURES FOR ABATING NUISANCE

The Police Department of the City of Seven Points, when desiring to remove and dispose of junked vehicles as public nuisances from private property, public property or public rights-of-way, shall comply with the following procedures:

- (1) A notice of not less than ten (10) days, stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days, and further, that a request for a hearing must be made before the expiration of said ten (10) day period, such notice to be mailed, by certified mail with a five (5) day return receipt requested, must be sent to the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States Post Office, official action to abate such nuisance shall be continued to a date not less than ten (10) days from the date of such return;
- (2) The requirements of paragraph (1) above shall also apply to the case of a public nuisance on public property or on a public right-of-way and such notice shall be sent to the owner or the occupant of the public premises, or to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists;
- (3) Once a vehicle has been removed under the provisions of this section, it shall not be reconstructed or made operable;
- (4) Where a hearing is requested by the owner or occupant of the public or private premises, or by the owner or occupant of the premises adjacent to the public right-of-way on which such a vehicle is located, within ten (10) days after service of notice to abate the nuisance, a public hearing prior to the removal of the vehicle or part thereof as a public nuisance must be held before the municipal judge of the city. Should the municipal judge find that such vehicle is a public nuisance as defined herein, he shall enter an order requiring the removal of the vehicle or part thereof from the public or private property or public right-of-way where it is situated, and such order shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site;

- (5) The police department shall give notice to the Texas Highway Department within five (5) days after the date of removal of the vehicle, identifying the vehicle or part thereof;
- (6) The procedures set out in this section shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or to unlicensed, operable or inoperable antique and special interest vehicles stored by a collector on his property, provided that the vehicle and outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means;
- (7) The administration of the procedures of this section shall be carried out by regularly salaried, full time employees of the City of Seven Points, except that the removal of vehicles or parts thereof from property may be accomplished by any other duly authorized person, including wrecker service operators within the City of Seven Points who have a valid license; and
- (8) If the nuisance is not removed and abated and a hearing is not requested within the ten (10) day period provided, a complaint may be filed in municipal court for the violation of maintaining a public nuisance. Any person found guilty of maintaining a public nuisance as defined in this section shall be guilty of a misdemeanor and be subject to a fine for each offense and the municipal court shall order removal and abatement of the nuisance.

J. DISPOSAL OF JUNKED VEHICLES

Junked vehicle or parts thereof may be disposed of by removal to a scrapyard, demolishers or any suitable site operated by the City of Seven Points for processing as scrap or salvage.

SECTION XXIV

That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION XXV

That it is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION XXVI

That whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished by a fine as provided for in Chapter 1, Section 5 of the City Code of Ordinances; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this ordinance shall continue shall constitute a separate offense.

SECTION XXVII

That this ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED on this the 10th day of February, 1987,
by the City Council of the City of Seven Points, Texas. *P*

APPROVED:

Mayor

ATTEST:

City Secretary