

ORDINANCE NO. 2021-O-002

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS, AMENDING CHAPTER 15, HEALTH AND SANITATION, ARTICLE III CLEANLINESS AND SANITATION OF PREMISES, DIVISION 1 GENERALLY OF THE CODE OF ORDINANCES, BY ENACTING ENTITLED "REPEAT VIOLATIONS" CONSISTING OF SECTION 15.42 (4)-(6) AND 15.44 (a)(3) REGARDING NOTICE FOR REPEATED VIOLATIONS OF THE SAME TYPE FOR THE CITY OF LAREDO; ESTABLISHING A NON-REFUNDABLE ONE HUNDRED (\$100.00) DOLLARS ADMINISTRATIVE FEE EFFECTIVE FEBRUARY 1, 2021; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Laredo has the authority under State law to abate nuisances that may pose a threat to the health and safety of the community; and

WHEREAS, certain properties are cited multiple times within one year for repeated violations of the same provisions; and

WHEREAS, State law allows for abatement of nuisances in such situations without notice to the property owner; and

WHEREAS, the City Council finds that the one hundred dollars (\$100.00) Administrative Fee will provide for administrative costs and newspaper ad expenses; and

WHEREAS, the proposed changes allow for increased efficiency in abating nuisances which pose a threat to the health and safety of the community while adhering to the requirements of the Texas Health and Safety Code.

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

Section 1. The City of Laredo Code of Ordinances, Chapter 15 Health and Sanitation, Article III, Division 1, Sec. 15.42 and 15.44 are hereby amended as follows:

ARTICLE III. – CLEANLINESS AND SANITATION OF PREMISES

DIVISION 1.- GENERALLY

Sec. 15.42 - **Notice of Violation; right to hearing; and notice to abate.**

- (a) Whenever weeds are allowed to grow in excess of twelve (12) inches, or trash or rubbish allowed to accumulate upon any property or sidewalks within the city as prohibited by this article, any code enforcement officer of the code enforcement division of the department of community development shall serve a written notice of violation to the owner or lessee of the lot or premises and/or sidewalk upon which lot or premises and/or sidewalk such nuisance exists
- (b) The notice of violation shall state:
 - (1) That the owner or lessee of the lot or premises or [the person] in charge of the lot or other premises next to or abutting the sidewalk(s) is in violation of his, her or its duty to keep the lot or premises, or abutting sidewalk, free from weeds, rubbish, brush, and any other objectionable, unsightly or unsanitary matter;
 - (2) The nature and location of the violation;
 - (3) A statement that if the property or sidewalk(s) is not brought into compliance with this article within seven (7) days of notice of the violation, then the city may do the work or make the improvements required and may assess for the work done or improvements made and charge the expenses to the owner of the property, subject to subsection (5), *infra*
 - (4) A statement that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by this subsection to abate such nuisance.
 - (5) The recipient of the notice of violation may request a hearing in writing to the director of the department of community development within seven (7) days of notice of the violation.
 - (6) If a hearing is requested, the hearing will be before the hearing officer who is appointed under section 14-27(3) of the Code of Ordinances ["the article IV hearing officer"] and the hearing shall be held within ten (10) days after the request for hearing. The hearing officer may hear evidence from the owner, city staff or any other interested person and shall make a determination whether the violation constitutes a public nuisance and, if he so finds, shall issue an order to abate the nuisance and the time within which the nuisance

must be abated. An order to abate shall be mailed in the same manner as the notice of violation and shall state that if the property or sidewalk(s) is not cleared of or made free from the weeds and/or accumulations within ten (10) days from the date the order is mailed, the city may proceed under the provisions of section 15-45 to clean the premises and assess the costs as a lien.

Sec. 15-44. - Additional authority to abate dangerous weeds.

(a) The city may abate, without notice, weeds that:

- (1) Have grown higher than forty-eight (48) inches; and
- (2) Are in immediate danger to the health, life or safety of any person.; Or

(3) Are a repeated violation of the same kind or nature that poses a danger to the public health and safety that occurs within one year of a previous notice of said violation.

(c) Not later than the tenth day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner specified in section 15-42.

(d) The notice shall contain:

- (1) An identification, which is not required to be a legal description, of the property;
- (2) A description of the violation or violations of this article that occurred on the property;
- (3) A statement that the city abated the weeds; and
- (4) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.

(d) The city shall conduct an administrative hearing on the abatement of the weeds under this section, if, not later than the thirtieth day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.

(e) The hearing shall be conducted not later than the twentieth day after the date a request for hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.

(f) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under sections 15-45, 15-46 and 15-47.

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Laredo, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. The publishers of the City Code of Laredo, Texas are authorized to amend said code to reflect the changes adopted herein and to correct typographical errors and to index, format, and number paragraphs to conform to the existing code.

Section 5. This Ordinance shall become effective immediately upon its passage.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR ON THIS 19 day of January, 2021 ~~DAY OF~~ 2020.


PETE SAENZ
MAYOR

ATTESTED:


JOSE A. VALDEZ, JR.
CITY SECRETARY

APPROVED AS TO FORM:


RENE C. BENAVIDES
CITY ATTORNEY



Final Reading of Ordinances 36.

City Council-Regular

Meeting Date: 01/19/2021

Initiated By: Kristina L. Hale, Assistant City Manager

Staff Source: Tina Martinez, CD Director

SUBJECT

2021-O-002 Amending Chapter 15, Health and Sanitation, Article III Cleanliness and Sanitation of Premises, division 1 generally of the Code of Ordinances, by enacting entitled "Repeat Violations" consisting of Section 15.42 (4) - (6) and 15.44 (a)(3) regarding notice for repeated violations of the same type for the City of Laredo; establishing a non-refundable one hundred (\$100.00) dollars administrative fee effective February 1, 2021; providing that this ordinance shall be cumulative; providing for publication; providing a severability clause; and declaring an effective date.

VENDOR INFORMATION FOR COMMITTEE AGENDA

N/A

PREVIOUS COUNCIL ACTION

On December 7, 2020 City Council approved Public Hearing and Introductory Ordinance amending Chapter 15 - Health and Sanitation, Article III Section 15-42 (4) - (6) and 15-44 (a)(3).

BACKGROUND

The Department of Community Development has reviewed the ordinances pertaining to Code Enforcement and has determined that this amendment is necessary in order to remain current with all new rules and regulations enacted by the State of Texas.

The City of Laredo has the authority under State law to abate nuisances that may pose a threat to the health and safety of the community. Certain properties are cited multiple times within one year for repeated violations of the same provisions. State law allows for abatement of nuisances in such situations without notice to the property owner.

The proposed changes and Administrative Fee of \$100.00 will provide for administrative costs, newspaper ad expenses and will allow for increased efficiency in abating nuisances which pose a threat to the health and safety of the community while adhering to the requirements of the Texas Health and Safety Code.

COMMITTEE RECOMMENDATION

N/A

STAFF RECOMMENDATION

That this Ordinance be approved.

Fiscal Impact**Fiscal Year:**

2021

Budgeted Y/N?:**Source of Funds:****Account #:**

101-0000-331-8088

Change Order: Exceeds 25% Y/N:**FINANCIAL IMPACT:**

Funds will be deposited in the General Fund account 101-0000-331-8088.

Attachments

FR 2021-O-002

Autos

2013 Nissan Sentra SR, auto, BLUE TITLE, Smart Key, Reversa cámara, GPS, 96K, current plates, like new \$ 7,500.00 dls. Cel:(956) 319-1121.

MTphoto
placeholder
651 x 1141

2014 Honda Odyssey Elite, 76K \$14,775. (956) 413-3936



2016 FordFocus Hatchback Titanium, Blue Title, 70K. Smart Key, Reverse Camera, Like New, \$7,600. (956) 319-1121

Announcements

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heart, friends
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with photo
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Gallery



headline February 10th
:00 am to 5:30 pm

r Classified
m TODAY!
& Digital
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Autos

2016 Lincoln MKX Reserve, auto, V6, ONLY 35K, Full loading, leather, current plates, smart Key, sunroof, like new \$ 16,900 Cell: (956)324-0290

Autos

COMPRO todo tipo de Autos y Trocas. Jalando, chocados, decompuestos, con título o sin. (956) 645-6425

Legals/Public Notices**Legals/Public Notices****ORDINANCE NO. 2021-O-002**

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L-79

ORDINANCE NO 2020-O-001

AN ORDINANCE OF THE CITY OF LAREDO, TEXAS AMENDING CHAPTER 24, ARTICLE III, SECTION 24.56.2 AND 24.56.5 OF THE CITY OF LAREDO LAND DEVELOPMENT CODE TO ALLOW FUNDS TO BE USED FOR PURPOSES REASONABLY RELATED TO PARKS, LIMITED TO SPEED HUMPS, TRAFFIC SIGNALS, AND SIDEWALKS ABUTTING PARKS IN CERTAIN CIRCUMSTANCES.; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

L-78

ORDINANCE NO. 2021-O-008

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING LOT 4, BLOCK 1, THE GATES AT D & J ALEXANDER SUBDIVISION, EAST, LOCATED AT 3147 ACROPOLIS EAST CT., FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

L-82

ORDINANCE NO. 2021-O-007

AMENDING THE ZONING ORDINANCE (MAP) OF THE CITY OF LAREDO BY REZONING LOT 3, BLOCK 1, THE GATES AT D & J ALEXANDER SUBDIVISION, EAST, LOCATED AT 3145 ACROPOLIS EAST CT., FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO B-3 (COMMUNITY BUSINESS DISTRICT); PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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ORDINANCE NO. 2021-O-006