

ORDINANCE NO. 2022-05-06

**AN ORDINANCE OF THE CITY OF PEARSALL, TEXAS AMENDING
CHAPTER 32 OF THE CITY'S CODE OF ORDINANCES RELATED TO
NUISANCES.**

WHEREAS, the City Council further finds it necessary to amend the Code of Ordinances related to the matter of public nuisances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARSALL, TEXAS THAT CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF PEARSALL, TEXAS RELATED TO NUISANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 1. "That Chapter 22, NUISANCES, of the Code of Ordinances, of Pearsall, Texas, is hereby amended to read as follows and as described in attached Exhibit "A" which is incorporated herein for all purposes as it fully set forth:

SECTION 2. Any sections of the Code of Ordinances not affected by this ordinance shall not be considered amended, repealed, or adjusted and remain in full force and effect as written.

SECTION 3. Any sections of the Code of Ordinances affected by this ordinance shall be considered amended as indicated above and any provision of each section which is inconsistent with the amendment is considered repealed to the extent of the inconsistency.

SECTION 4. This Ordinance shall be effective immediately upon its passage and publication as required by the City Charter and state law.

DULY PASSED, on the 10th day of May, 2022 at a regular meeting of the City Council of the City of Pearsall, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

BEN T. BRISCOE
Mayor, City of Pearsall

ATTEST:

KRYSTAL GARCIA
City Clerk

APPROVED AS TO FORM:

City Attorney

ARTICLE I. - IN GENERAL

Sec. 32-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brush includes all trees or shrubbery under 36 inches in height not cultivated and cared for by the person owning or controlling the premises.

Developed area means any new City block which is divided into more than four lots or parcels under separate ownership or occupancy, upon which buildings exist on more than 25 percent of such lots or parcel; and in addition, shall include any new City block not meeting the above definition of developed area if at least 50 percent of its perimeter is adjacent to or across a road, street, or alley from a new City block which is divided into more than four lots or parcels under separate ownership or occupancy, upon which buildings exist on more than 25 percent of such lots or parcels.

Owner includes any tenant, lessee, or other occupant of property under an existing agreement or understanding with the owner thereof.

Parcel means any tract of land which has not been subdivided into lots, but shall also include, in addition to the land within its boundaries, all land adjacent to and extending beyond the property line to the curblin of adjacent streets, and where no curb exists, to the surface of an adjacent public street or road. Parcel shall also include all land lying between the property line and the center of any adjacent alley.

Rubbish includes all trash, refuse, tin cans, old vessels of all sorts, discarded auto parts, useless articles, inoperative appliances, discarded clothing and textile of all sorts, and all litter and other debris.

Weeds includes all rank and uncultivated vegetable growth or matter which has grown to more than 12 inches in height, or which, regardless of height, is unsightly.

Abate means to eliminate or remedy:

(A) by removal, repair, rehabilitation, or demolition;

Building means a structure built for the support, shelter, or enclosure of a person, animal, chattel, machine, equipment, or other moveable property.

Garbage means decayable waste from a public or private establishment or restaurant. The term includes vegetable, animal, and fish offal and animal and fish carcasses, but does not include sewage, body waste, or an industrial by-product.

Neighborhood means:

(A) a platted subdivision; or

(B) property contiguous to and within 300 feet of a platted subdivision.

Platted subdivision means a subdivision that has its approved or unapproved plat recorded with the county clerk of the county in which the subdivision is located.

Premises means all privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.

Public street means the entire width between property lines of a road, street, way, thoroughfare, or bridge if any part of the road, street, way, thoroughfare, or bridge is open to the public for vehicular or pedestrian traffic.

Receptacle means a container that is composed of durable material and designed to prevent the discharge of its contents and to make its contents inaccessible to animals, vermin, or other pests.

Refuse means garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.

Rubbish means nondecayable waste from a public or private establishment or residence.

Undeveloped land means land in a natural, primitive state that lacks improvements, infrastructure, or utilities and that is located in an unincorporated area at least 5,000 feet outside the boundaries of a home-rule municipality.

Flea market means an outdoor or indoor market, conducted on non-residential premises, for selling secondhand articles or antiques, unless conducted by a religious, educational, fraternal, or charitable organization.

Antique vehicle means a passenger car or truck that is at least 25 years old.

Junked vehicle means a vehicle that:

(1) is self-propelled; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

(b) For purposes of this ordinance, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This ordinance applies only to:

(1) a motor vehicle that displays an expired license plate or does not display a license plate;

(2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or

(3) a watercraft that:

(A) does not have lawfully on board an unexpired certificate of number;

and

(B) is not a watercraft described by Section [31.055](#), Parks and Wildlife Code.

Lot includes, in addition to the land within its boundaries, all land adjacent to and extending beyond the property line to the curblineline of adjacent streets and, where no curb exists, to the existing street surface. The term "lot" also includes" all land lying between the property line of any lot and the center of adjacent alleys.

Motor vehicle means a vehicle subject to registration under chapter 501 Transportation Code (V.T.C.A., Transportation Code § 501.001 et seq.) except that for purposes of certain sections of this act, the term "motor vehicle" includes a motorboat, outboard motor, or vessel subject to registration under chapter 31, Texas Parks and Wildlife Code (V.T.C.A., Parks and Wildlife Code § 31.001 et seq.).

Motor vehicle collector means 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 personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Owner includes any tenant, lessee, or other occupant of property under an existing agreement or understanding with the owner thereof.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from the original manufacturers' specifications and, because of its historic interest, is being preserved by hobbyists.

(Ord. of 2-10-1999, § 1)

Sec. 32-2. - Penalties.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished according to the general penalties described in section 1-13, and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any lot or premises under the provisions of this article shall be a corporation, and shall violate any provisions of this article, 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 herein provided.

(Ord. of 2-10-1999, § 13)

Sec. 32-3. - Prohibited acts.

The following are hereby declared to be nuisances and, as such, are liable to abatement:

- (1) All cellars, vaults, drains, pools, privies, yards, grounds or premises which have for any cause become foul, nauseous, offensive or injurious to health or unpleasant to adjacent residents or to persons passing by.
- (2) All carcasses, decaying flesh, fish, fowl, or vegetables, all deposits of manure or other unwholesome substances or flesh of any kind or description whatever and all filthy or offensive water or slops in any private yard or premises or when thrown or conducted into or upon any street, alley, public ground or any enclosure, so as to be unwholesome or offensive, or are liable to become unwholesome or offensive.
- (3) All privies that are offensive from use, all markets, cellars, laundries, stores, or other buildings or places which are not kept clean and free from filthy or unwholesome substances and odors and all deposits or substances that are offensive or liable to endanger disease.

- (4) Every trade, business or occupation injurious to the health or comfort of those who reside in the vicinity and any lot or receptacle whatever, containing water or slops suffered to become stagnant or offensive or unwholesome from any cause.
- (5) Depositing filth or any foul, offensive, nauseous or injurious substances upon any sidewalk, street, alley or other public place.
- (6) Sweeping or depositing any trash, paper, rubbish, weeds, or grass into or upon any street, alley, sidewalk, or other public place within the City and allowing the same to remain in such place for more than six hours.
- (7) Permitting or allowing any weeds, filth, or rubbish of any kind to remain on any sidewalk in front or at the side of any premises owned by him or in the street to the middle thereof the rear or side of any lots or premises owned or controlled by him.
- (8) Allowing for an overgrowth of weeds and/or brush on a parcel, lot or neighborhood. Overgrowth of weeds and brush is defined in Section 32-1 of this ordinance
- (8) Hauling, conveying, or transporting of any meat or slaughtered or dead animals or fish through the streets of the City without having the same entirely covered, screened or protected from dust and the public view.
- (9) Allowing any wastewater or slop of any kind to drain or run over, into or upon any street, sidewalk, or alley of the City.
- (10) Scattering of any advertisements, circulars, handbills, printed or written announcements or papers of like character or of any medicines upon the streets, sidewalks, alley or within the public buildings or grounds within the City.
- (11) Posting, writing, printing, or tacking of any kind of sign or advertisement or any kind of written or printed matter of any character upon any telephone, electric light, or telegraph pole within the City.
- (12) Cutting of any telephone, electric light, or telegraph pole, or of any wall of any building, or of any fence, or any kind of property in the City with any object whatsoever .
- (13) Allowing any privy to become dilapidated or out of repair as to expose its contents or any persons using it.

(Ord. of 2-10-1999, § 2)

Sec. 32-4. - Owner, occupant responsibility.

- (a) It shall be unlawful for any person to cause, permit, or suffer any nuisance upon any premises, lot, or in any building occupied or controlled by him, or in any street, alley, sidewalk, or gutter immediately adjacent to such premises.
- (b) It shall be the duty of the owner or his agent or the occupant of any lot, building, or place of any kind in this City where any nuisance may exist to remove, abate, or destroy the same without delay.

(Ord. of 2-10-1999, § 3)

(Ord. of 2-10-1999, § 4)

Sec. 32-6. - Service of notice.

- (a) Notice of a public hearing time and date may be served by personal delivery to the owner if he/she can be located within the City limits, but if he/she cannot be so located or served after reasonable effort, notice may be served by certified letter addressed to such owner at his post office address, If a notice or complaint is mailed in accordance with this subsection to a property owner, lienholder, mortgagee, or registered agent 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 delivered. In case of community property, service upon either the husband or the wife shall be deemed sufficient notice hereunder.

- (b) If the property owner is a corporation, service may be made by delivery of same to any office or place of business of such corporation or any officer of the corporation if such office, place or business or officer can be located within the City limits, but if such office, place of business or officer cannot be so located after reasonable effort, service may be made by certified letter addressed to its corporate headquarters' post office address. If a notice or complaint is mailed in accordance with this subsection to a property owner, lienholder, mortgagee, or registered agent 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 delivered.

(Ord. of 2-10-1999, § 5)

(Ord. of 2-10-1999, § 9)

Sec. 32-11. - Wrongful conduct to be penalized.

It shall be unlawful to do or perform any act prohibited hereby, and it shall be unlawful to fail to do or perform any act required hereby. Conviction of any violation within this article shall be punished in accordance with section 32-2.

(Ord. of 2-10-1999, § 10)

(Ord. of 2-10-1999, § 11)

Sec. 32-13. - Remedies not exclusive.

The enumeration of remedies for the suppression of nuisance, as provided in this chapter, are not to be deemed as exclusive, but as cumulative. In particular, prosecution for the offense described in section 32-4 shall not affect the right of the City to abate the nuisance in the manner provided by this chapter, nor shall abatement by the City be a bar to prosecution for the offense described in section 32-4.

(Ord. of 2-10-1999, § 12)

Secs. 32-14—32-44. - Reserved.

ARTICLE IV. - JUNKED AND ABANDONED VEHICLES^[3]

Footnotes:

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State Law reference— Abatement of junked vehicle declared to be a public nuisance, V.T.C.A., Transportation Code § 683.071 et seq.

Sec. 32-108. - Definitions.

Definitions found in section 32-1 apply to this article:

(Ord. of 1-13-1999, § 1)

Sec. 32-109. - Penalties.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be fined an amount which exceeds the amount outlined in section 1-13 of the code of ordinances, and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any lot or premises under the provisions of this article shall be a corporation, and shall violate any provisions of this article, 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 herein provided. A person commits an offense if the person maintains a public nuisance in violation of this article. The Court shall order abatement and removal of the nuisance on conviction.

(Ord. of 1-13-1999, § 9)

Sec. 32-110. – Wrongful conduct to be penalized.

- (a) It shall be unlawful for any tenant or occupant of any buildings or premises, in person or by his servant, agent or employee, to keep junked vehicles, or parts thereof or other substance or thing whatsoever of an offensive nature or deleterious to health, in or upon any street, sidewalk, park, or other public place, or vacant lot or in any yard space or privately owned premises.
- (b) It shall be unlawful for the owner or occupant of any real property within the City to keep or permit the keeping of any junked vehicle or parts thereof on such property in violation of this article.
- © It shall be unlawful for the owner or tenant of any land within the City to fail to have any junked vehicles removed, or otherwise bring property into compliance with the standards set forth in this article, within fifteen days after notice is received, or published, directing that such standards be met; the code enforcement, fire marshal or building official assigned such duties, whenever a violation is found, shall file a complaint which the Municipal Court; and the Prosecutor of the Municipal Court assigned such duties shall prosecute the case, and upon conviction for violation hereof the owner shall be fined in accordance with this article. Each 'ay's violation hereof shall constitute a separate offense.
- (d) In addition to the fine, the Court shall, in any case wherein the owner or occupant is found guilty of keeping a junked vehicle, or part thereof, enter a written order authorizing the removal of the junked vehicle, or part thereof.
- (e) It shall be an affirmative defense to any prosecution under this provision that the notice required by this article was not given to the defendant prior to the commencement of the criminal prosecution.

(Ord. of 1-13-1999, § 2)

Sec. 32-11–. - Junked vehicles declared to be a public nuisance.

- (a) A junked vehicle, including a part of a junked vehicle, that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public; tends to reduce the value of private property; invites vandalism; creates a fire hazard; is an attractive nuisance creating a hazard to the health and safety of minors; and is detrimental to the economic welfare of the State by producing urban blight adverse to the maintenance and continuing development of the City; and such condition is hereby declared to be a public nuisance, the prompt abatement of which is a public necessity.
- (b) It is the duty and responsibility of the owners of property within the City to keep and maintain the properties in compliance with the standards in subsection (a) of this section.
- (c) A person commits an offense if that person maintains a public nuisance as determined under this section.

- (d) A person who commits an offense under this section is, on conviction of a misdemeanor, subject to a fine as provided in this article. On conviction, the Court shall order removal and abatement of the nuisance. The owner of a junked vehicle will be responsible for any costs associated with recovery of any junked vehicle.

(Ord. of 1-13-1999, § 3)

Sec. 32-11-. - Issuance, service of abatement notice.

Generally. Whenever a code enforcement officer, building official or fire marshal determines the existence of any property not meeting the standards set out in this article he/she, or any sanitary officer assigned such responsibility, shall serve the owner of the property with a written notice informing the owner of such condition, nature of the nuisance and directing that action be taken to bring the property into compliance within fifteen days after the date of notice. This notice must be personally delivered, sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:

- (1) the last known registered owner of the nuisance;
- (2) each lienholder of record of the nuisance; and
- (3) the owner or occupant of:
 - (A) the property on which the nuisance is located; or
 - (B) if the nuisance is located on a public right-of-way, the property

adjacent to the right-of-way.

(b) The notice must state that:

(1) the nuisance must be abated and removed not later than the 15th day after the date on which the notice was personally delivered or mailed; and that

(2) a request for a hearing must be made before the 15-day period expires. (c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.

(d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 16th day after the date of the return.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 413, Sec. 13, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 369 (S.B. [351](#)), Sec. 1, eff. June 15, 2007.

HEARING. (a) The City of Pearsall Municipal Court Judge shall conduct hearings under the procedures adopted under this ordinance.

(b) If a hearing is requested by a person for whom notice is required under this ordinance, the hearing shall be held not earlier than the 16th day after the date of the service of notice.

(c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(d) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include:

- (1) the vehicle's:
 - (A) description;
 - (B) vehicle identification number; and
 - (C) license plate number;
- (2) for an aircraft, the aircraft's:
 - (A) description; and
 - (B) federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and
- (3) for a watercraft, the watercraft's:
 - (A) description; and
 - (B) identification number as set forth in the watercraft's certificate of number.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 720 (H.B. [787](#)), Sec. 11, eff. September 1, 2011.

JUNKED VEHICLE DISPOSAL. (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.

(b) A municipality or county may operate a disposal site if its governing body determines that commercial disposition of junked vehicles is not available or is inadequate. A municipality or county may:

- (1) finally dispose of a junked vehicle or vehicle part; or
- (2) transfer it to another disposal site if the disposal is scrap or salvage only.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

(Ord. of 1-13-1999, § 7)

Sec. 32-11-. - Interference with removal prohibited.

It shall be unlawful for any person to knowingly or intentionally interfere with or attempt to prevent the examination or identification of vehicles pursuant to this article, or to knowingly or intentionally interfere with or attempt to prevent the removal of a junked vehicle under the terms of this article.

(Ord. of 1-13-1999, § 8)

Sec. 32-11-. - Exceptions.

Nothing in this article shall apply to:

- (1) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from a public street, other public or private property, or public right-of-way.
- (2) 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 junkyard; or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.
- (3) A vehicle or part thereof which is stored or parked on private property in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, in connection with the business of a licensed wrecker service.

(Ord. of 1-13-1999, § 10)

Sec. 32-11-. - Authority to enforce.

A person authorized by the City, to include a code enforcement officer, fire marshal, building official or County to administer the procedures may enter private property to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. An appropriate Court of the City or County that enacts procedures under this article may issue orders necessary to enforce the procedures.

(Ord. of 1-13-1999, § 11)

Sec. 32-11-. - City employees not personally liable.

No officer, agent or employee of the City shall render himself personally liable 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 under this article. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the City Attorney until the final determination of the proceedings therein. Are tow companies considered agents?

(Ord. of 1-13-1999, § 12)

Sec. 32-12— . - Remedies not exclusive.

The enumeration of remedies for the suppression of nuisance as provided in this article are not to be deemed as exclusive, but as cumulative. In particular, prosecution for the offense described in this article shall not affect the right of the City to abate the nuisance in the manner provided by this chapter, nor shall abatement by the City be a bar to prosecution for the offense described in this article. This article does not affect a law authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on the public property.

(Ord. of 1-13-1999, § 13)

Secs. 32-121—32-13—. - Reserved.

WEEDS OR CERTAIN PUBLIC NUISANCES

MUNICIPAL POWER CONCERNING WEEDS OR CERTAIN PUBLIC NUISANCES. The Pearsall City Council may require the owner of real property in the municipality to keep the property free from weeds, brush, and a condition constituting a public nuisance as defined by this article as outlined in section 32-1

WORK OR IMPROVEMENTS BY MUNICIPALITY; NOTICE. (a) If the owner of property in the city does not comply this with article within 15 days of notice of a violation, the city may:

- (1) do the work or make the improvements required; and
- (2) pay for the work done or improvements made and charge the expenses to the owner of the property.

(b) The notice must be given:

- (1) personally to the owner in writing;
- (2) by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) if personal service cannot be obtained:
 - (A) by publication at least once;
 - (B) by posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (C) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(c) If the city mails a notice to a property owner in accordance with Subsection (b), 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.

(d) In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner

commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the municipality 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 municipality has not been informed in writing by the owner of an ownership change, then the municipality without notice may take any action permitted by Subsections (a)(1) and (2) and assess its expenses as provided herein.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 252, Sec. 1, eff. June 5, 1991; Acts 1993, 73rd Leg., ch. 921, Sec. 1, eff. Aug. 30, 1993; Acts 1999, 76th Leg., ch. 209, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 413, Sec. 2, eff. Sept. 1, 2001.

ASSESSMENT OF EXPENSES; LIEN. (a) The Pearsall City Council may assess expenses incurred under this article against the real estate on which the work is done or improvements made.

(b) To obtain a lien against the property, the mayor, municipal health authority, or city manager must file a statement of expenses with the county clerk of the county in which the municipality is located. The lien statement must state the name of the owner, if known, and the legal description of the property. A signature on a lien statement may be a facsimile signature as defined by Section [618.002](#), Government Code. The lien attaches upon the filing of the lien statement with the county clerk.

(c) The lien obtained by the City of Pearsall is security for the expenditures made and interest accruing at the rate of 10 percent on the amount due from the date of payment by the municipality.

(d) The lien is inferior only to:

- (1) tax liens; and
- (2) liens for street improvements.

(e) The city may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due.

(f) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

(g) The Pearsall City Council may foreclose a lien on property under this article in a proceeding relating to the property brought under Subchapter E, Chapter [33](#), Tax Code.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 921, Sec. 2, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 1017, Sec. 4, eff. Aug. 28, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1226 (S.B. [577](#)), Sec. 2, eff. June 17, 2011.

ADDITIONAL AUTHORITY TO ABATE DANGEROUS WEEDS. (a) A municipality may abate, without notice, weeds that:

- (1) have grown higher than 12 inches; and
- (2) are an immediate danger to the health, life, or safety of any person.

(b) Not later than the 15th day after the date the municipality abates weeds under this section, the city shall give notice to the property owner in the manner required by this article.

(c) The notice shall contain:

- (1) an identification, which is not required to be a legal description, of the property;
- (2) a description of the violations of the ordinance 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 weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city manager a written request for a hearing.

(e) An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.

(f) A municipality may assess expenses and create liens under this section as it assesses expenses and creates liens under this article.

Added by Acts 1995, 74th Leg., ch. 359, Sec. 3, eff. Aug. 28, 1995.

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