

CITY OF HIGHLAND HAVEN

ORDINANCE #018 (REVISION #06)
September 2003

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING FOR MAINTENANCE OF LOTS; SETTING SPECIFIC PERIODS FOR MOWING; SETTING A MINIMUM CHARGE FOR MOWING; PROVIDING MAINTENANCE OF STRUCTURES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR A LIEN AGAINST THE PROPERTY FOR FAILURE TO PAY A CITY MOWING INVOICE; AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the Board of Aldermen determined a need to reword Ordinance #018, dated August 4th, 1997; and

WHEREAS, the Board of Aldermen determined that "MAINTENANCE OF LOT (S)" must be continued for the safety, health and welfare of the citizens of the city.

WHEREAS, Revision #04 will provide for changes in the annual mowing schedule and the fee for mowing each lot.

WHEREAS, Revision #05 will provide for changes in the burning of garbage in the City.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS:

DEFINITIONS

LOT - Any segregated or defined tract or parcel of land including, but not limited to, any subdivision lot, or re-plat thereof, filed and of record in Burnet County, Texas.

(1) **IMPROVED LOT** - Any lot will be considered to be an improved lot if it meets one or more of the following criteria: (a) A residence has been constructed on the lot; or (b) The lot has been landscaped, terraced or altered in such a manner as to change the natural condition and cause it to stand out among adjacent unimproved lots; or (c) The lot is used to hold a residential septic drain field; or (d) A waterfront facility has been constructed on the lot.

(2) **UNIMPROVED LOT** - Any lot not meeting the criteria of an improved lot will be considered to be an unimproved lot for purposes of this ordinance.

STRUCTURE - Anything constructed or erected which requires location on the ground or attached to something located on the ground or in Lake LBJ within 100 feet of the shore line, including, but not limited to, buildings of all types, advertising signs, swimming pools, and walls. Flower beds, walkways, curbing six (6) inches or less in height, and fences are excluded.

MAINTENANCE OF LOTS

DISTRICT (A) SINGLE FAMILY RESIDENTIAL

1. ALL LOTS (IMPROVED AND UNIMPROVED) will be maintained to the following standards that include but are not limited to reasonable efforts to prevent the spread of fires and increase fire risk and to reduce the opportunity for rodent or varmint infestation.

(a) Storage of inoperable vehicles and those with expired license, expired registration or expired State of Texas inspection, building material, furniture or furniture located out of its normal place of usage, machinery, paper materials, liquids and any material in bulk quantities within the city is prohibited unless located within a completely enclosed structure which complies with the ordinances of the City of Highland Haven, Texas.

(b) Storage of commercial equipment, machinery, materials, paper products or any other product that can be used for commercial purposes is not permitted in any residential structure or outbuilding on lots located in District (A), Single Family Residential.

(c) Grass, brush and weeds will not be allowed to grow higher than sixteen inches.

A. IMPROVED LOTS

(a) Piles of brush, logs, tree limbs, weeds, scrap lumber, dirt, gravel, construction debris, etc. will not be allowed to accumulate. Neatly stacked firewood (not to exceed a cord) is permissible.

(b) An improved lot without a single-family residence and with an abundance of wild flowers should not be mowed until most of the seeds mature.

B. UNIMPROVED LOTS.

(a.) Piles of brush, logs, tree limbs, weeds, scrap lumber, dirt, gravel, construction debris, etc. will be removed after fourteen days and such material will not be allowed to accumulate for 30 days following each removal. The fourteen-day grace period will be extended for burnable material during a City no-burn order. Exception - neatly stacked firewood (not to exceed a cord) is not subject to the fourteen-day removal

(b.) An unimproved lot with an abundance of wild flowers should not be mowed until most of the wild flower seeds mature.

2. PUBLIC NUISANCES ENUMERATED:

A. Keeping, storing or accumulating refuse on premises within the city limits unless the refuse is entirely contained in a closed receptacle.

B. Keeping, storing or accumulating rubbish or any unused, abandoned object, including but not limited to: newspapers, vehicles, refrigerators, stoves, furniture, tires, and cans on premises within the city limits, unless the rubbish or object is completely enclosed within a building or is not visible from a public street or public area, or private property under other ownership.

C. Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, termites, or disease carrying pests.

D. Maintaining any premises in a manner that is unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.

E. Burning of household garbage will be strictly prohibited within the City of Highland Haven. Disposing of household garbage or table scraps in any body of water will be strictly prohibited.

3. LOTS AND PROPERTY IN DISTRICT B & DISTRICT

A. DISTRICT B

The owner shall maintain all parks and boat launch areas as often as necessary to reduce the hazard of fire and the opportunity for rodent and varmint infestation.

B. District C

The lessee or owner shall maintain all utilized areas as often as necessary to reduce the hazard of fire and the opportunity for rodent and varmint infestation. The City, by this ordinance, does not require mowing of undeveloped areas of any tract of land located in District C.

4. MINIMUM MOWING SCHEDULE

The Board of Aldermen will determine the minimum annual mowing schedule for all lots without a residence when grass, brush, or weeds are higher than sixteen (16) inches annually. The fee to be charged will also be determined annually by the Board of Aldermen. Lot owners will be notified annually by mail of the current schedule and fees. Mowing expense will be the responsibility of the property owner.

5. CHARGES, PAYMENT PERIOD, AND COLLECTION PROCEDURE

Any lot **not** mowed according to the schedule determined by the Board of Aldermen will be mowed at the direction of the City and the property owner billed for such mowing. Invoices for mowing are to be paid within twenty-one (21) days from the date of the invoice. The City shall file a lien against the lot if the owner fails to pay the invoice within thirty (30) days from the date of the invoice. Upon approval of the Board of Aldermen, the City may foreclose on the lot and sell it at public auction to satisfy unpaid invoice, penalties, legal fees and interest at an annual rate not to exceed the maximum legal rate in the State of Texas.

6 MAINTENANCE OF STRUCTURES AND LOTS

All structures and lots will be maintained to prevent infestation by insects, rodents, and varmints by maintaining:

1. Exteriors to prevent deterioration. Defective material is replaced or restored.
2. Exterior doors and windows.
3. Control of vegetation.

7. ERRORS AND OMISSIONS

If any section, part, subdivision, clause or provision of this ordinance is adjudged invalid or held to be unconstitutional, it will not affect the validity of this ordinance as a whole, or any part or provision of it, other than the part or parts held or adjudged invalid or unconstitutional.

8. PENALTY FOR VIOLATION

Any Person or corporation violating any of the provisions of this ordinance or failing to comply with it or with any of the requirements of it, will be charged with a misdemeanor, and will be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each day such violations continue will be a separate offense.

SECTION 1. AUTHORIZATION.

The Board of Aldermen hereby authorizes implementation of Ordinance #018 concurrently with implementation of Ordinance #019.

SECTION 2. APPLICATION.

This ordinance applies to all lots and tracts of land found within District A, District B and District C of Highland Haven, Texas.

SECTION 3. DEFINITIONS.

As set out in this Ordinance and Ordinance #007 or revisions thereof.

SECTION 4. EFFECTIVE DATE

The Board of Aldermen, by vote, determined that Ordinance #018 (Revision #06) will, for the health, safety, and welfare of the citizens of the City of Highland Haven, Texas, become effective immediately upon passage.

PASSED AND APPROVED ON THIS THE 16TH DAY OF SEPTEMBER, 2003

Jake Kallsvaart, Mayor

Jeanne Ormiston, City Secretary