

**CITY OF HIGHLAND HAVEN**

**ORDINANCE #058 (Rev #5)**

**June 15, 2021**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING FOR MAINTENANCE OF LOTS, ACREAGE, AND STRUCTURES; PROVIDING FOR A CITY MOWING SERVICE; PROVIDING FOR A LIEN AGAINST PROPERTY FOR FAILURE TO PAY A CITY INVOICE FOR MOWING SERVICE; AND PROVIDING FOR AN EFFECTIVE DATE:**

**Whereas**, the Board of Aldermen Ordinance #018, Maintenance of Lots and Structures, dated August 4<sup>th</sup>, 1997; and

**Whereas**, six revisions to Ordinance #018 have been approved through September, 2003; and

**Whereas**, the Board of Aldermen determined that proper maintenance of lots, acreage, and structures must be continued for the safety, health and welfare of the citizens of the city; and

**Whereas**, the Board of Aldermen have determined that additional revisions are in order; and

**Whereas**, a replacement ordinance would provide for more clarity of intent than a substantial revision of Ordinance #018; and

**Whereas**, the Board of Aldermen having considered citizen input received though a Public Hearing duly posted and published in the Community Newsletter and the City official newspaper,

**Whereas**, City Ordinance #018, dated August 4, 1997, with its' six (6) revisions be hereby revoked and replaced by City Ordinance #058.

**Whereas**, definitions have been consolidated into Ordinance 043 and are removed from Ordinance 058.

**Whereas**, Revision 4 will prohibit leaf, grass & other refuse disposal into canals, lake, streets or drainage infrastructure conform to standard format and to note definitions are in Ordinance 074.

**Whereas**, Revision 5 prohibits outdoor fires to be no closer than 50 feet from any combustible materials, any structure, or the front property line.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS THAT:**

**FORWARD**

**PURPOSE:** This ordinance prescribes the minimum actions to be taken by property owners within the corporate limits of the City of Highland Haven, Texas in the maintenance of grounds and structures which will promote the health, safety, and welfare of the citizens of the city, to maintain the neighborhood atmosphere, and to protect property values of all owners.

**SCOPE:** This ordinance applies to all lots and tracts of land within the corporate limits of the City of Highland Haven, Texas.

**SECTION I – MAINTENANCE OF STRUCTURES**

Property owners shall maintain residence and outbuildings in a manner that does not detract from neighborhood appearance and the property values of adjacent property owners. Maintenance includes, but is

not limited to, periodic painting, masonry repair as needed, replacement of damaged windows and screens, and roof repairs. Said repairs do not require a building permit provided there is no change to the structures footprint. Structural damage due to wind, hail, fire, water, or accident shall be corrected within a reasonable time frame determined by the Board of Aldermen.

Maintaining any structure in a manner that constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is considered a public nuisance and is subject to the penalties authorized herein.

## **SECTION II - MAINTENANCE OF LOTS AND ACREAGE**

**1.** All lots and acreage will be maintained as to provide reasonable efforts to reduce fire risk, prevent the spread of fires and to reduce the opportunity for rodent or varmint infestation.

**2.** Storage of inoperable vehicles and those with expired license, expired registration or expired State of Texas inspection decals, 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, excluding vehicles stored within zoning District B (PUD).

### **3. PUBLIC NUSIANCES 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, left over construction materials, 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. Piles of brush, logs, tree limbs, weeds, scrap lumber, dirt, gravel, construction debris, etc. will not be allowed to accumulate. Neatly stacked firewood is permissible. Piles of brush, logs, tree limbs, weeds, scrap lumber, dirt, gravel, construction debris, etc. will be removed after fourteen days. The fourteen-day grace period will be extended for burnable material during a City no-burn order.
- E. Storage in carports of bulk household materials, tools, furniture, appliances, and other household items in addition to those enumerated above is prohibited. This category of items and materials must be stored in an enclosed building or is stored so that it is not visible from a public street or public area.
- F. Storage of materials in the public visible areas of boathouses shall be kept orderly and neat so as to not present a nuisance to the neighborhood.

### **4. LAWNS**

- A. Lawns are required on a lots or acreage with single-family residences.
- B. Lawns must be established within 90 days of completion of construction of residence. Unrestricted growth of native grasses and other vegetation is not an acceptable substitute for a lawn.
- C. Rock gardens (all or part of lawn) made of river rock, lava stone, or similar materials are permitted. Perimeter will be of a material capable of containing the rock or stone within boundaries and control of grass and weeds will be maintained.
- D. Bushes, hedges, flower and vegetable gardens, trees and other vegetation shall be trimmed periodically so as to present a neat appearance

## **5. MOWING REQUIREMENTS**

- A. Institutional properties in District B (PUD) will be mowed as often as necessary to reduce the hazard of fire and the opportunity for rodent and varmint infestation.
- B. The City, by this ordinance, does not require mowing of undeveloped areas of any tract of land designated as Mixed Use properties located in District B (PUD) or in District C (Agricultural). The lessee or owner shall maintain all utilized areas in such a manner as to reduce the hazard of fire and the opportunity for rodent and varmint infestation.
- C. Residential property owners are required to mow the street right-of-way area between property line and the street surface.
- D. **IMPROVED LOTS AND ACREAGE**
  - (1) Lawn height will not exceed six (6) inches.
  - (2) Maximum height includes grass and weeds next to foundations, driveways, and fences.
  - (3) 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.
- E. **UNIMPROVED LOTS.**
  - (1) Vegetation height will not exceed sixteen (16) inches.
  - (2.) An unimproved lot with an abundance of wild flowers should not be mowed until most of the wildflower seeds mature.

## **6. REFUSE GRASS AND LEAF DISPOSAL**

A. Leaves, grass or other refuse shall not be blown, raked, discharged or otherwise disposed of into canals, lake, streets or drainage infrastructure.

## **7. CITY MOWING PROGRAM**

The City engages the services of a contract mower to mow those unimproved lots and acreage wherein the property owner has failed to mow within a given period of time after being notified that the vegetation exceeds the allowable sixteen inches in height. This contractor service is available to any unimproved lot owner who desires to take advantage of the opportunity to forego the monitoring of vegetation height on his/her property and mow or arrange for the mowing each time required. The cost of the service is competitive with local mowing services and with only a small administrative fee going to the city. The city monitors the growth on all lots and determines the dates for the contractor to begin mowing. Property owners utilizing this service are not subject to the penalties associated with violation of allowing vegetation to exceed maximum allowable height. Three mowings per year are normal, but occasionally a fourth mowing is required in years of both early and late rains plus mild weather in the fall. Price per lot varies depending on size, number and location of trees and other distinguishing features. The city queries each unimproved lot owner previously engaging the cities service each year in late March or early April to determine number of owners wishing to participate. Current fee information is then provided.

Any lot mowed at the direction of the City will be billed to the property owner for such mowing. Invoices for mowing are to be paid within twenty-one (21) days from the date of the invoice. The City may file a lien against the lot if the owner fails to pay the invoice within sixty (60) 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.

**SECTION III – BURN BARRELS AND BURN PILES**

1. Burn barrels are not permitted within the corporate limits of Highland Haven. Texas Statues prohibits the use of burn barrels for disposal of household waste and garbage within an area having a sanitation collection service.

2. Burning of household garbage will be strictly prohibited within the City of Highland Haven. Disposing of household garbage or table scraps, excluding the common practice of hand feeding fish and fowl with bread crumbs and cooked or uncooked grains such as corn, in any body of water is also prohibited.

3. Burnable material other than household waste and construction material (excluding limited home maintenance) accumulated under the above section may be burned on any lot or tract of land, improved or unimproved, provided the burn pile is located at least fifty (50) feet-from any combustible material, not limited to any structure or front property line, only during periods in which there are no city declared burn bans. Other provisions of City Ordinance #027 must be followed.

**SECTION IV - 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.

**SECTION V - PENALTY FOR VIOLATION - SEE ORDINANCE 043**

**SECTION VI - EFFECTIVE DATE** - This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government **PASSED AND APPROVED** on the 15<sup>th</sup> day of *June 2021*, during a scheduled meeting by the Board of Aldermen of The City of Highland Haven, Texas.

*Olan Kelley*  
Olan Kelley, Mayor

ATTEST:

(Seal)

*Lezley Baum*  
Lezley Baum, Administrative Assistant