

# Bexar County Code Compliance Quick Reference

## JUNKED VEHICLES

The Litter Abatement Act has deemed **junked vehicles** that are located in a place where they are **visible from a public place or public right-of-way** to be a public nuisance. [\[\(JV\) 2.01\]](#)

The following vehicles or parts thereof are **excepted** from the provisions of this order [\[\(JV\) 2.02\]](#):

- 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**. [\[\(JV\) 2.02-1.\]](#)
- 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, junkyard, or automotive wrecking and salvage yard. [\[\(JV\) 2.02-2.\]](#)
- Unlicensed, operable or inoperable **antique** and **special interest vehicles** stored by a **collector** on his property, provided that the vehicles and the 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. [\[\(JV\) 2.02-3.\]](#)

## LITTER

The Commissioners Court of Bexar County hereby prohibits the accumulation of **litter**, excluding equipment used for agricultural purposes, for more than **30 days** on private property which is **within 50 feet of a public highway** in Bexar County. [\[\(L\) 2.01\]](#)

## REFUSE AND OTHER NUISANCES

Chapter 343 of the Health and Safety Code has deemed the following to be public nuisances: [\[\(R\) 2.01\]](#)

- keeping, storing, or **accumulating refuse on premises in a neighborhood unless the refuse is entirely contained** in a closed **receptacle**; [\[\(R\) 2.01-\(b\)\]](#)
- keeping, storing or accumulating **rubbish**, including newspapers, vehicles, refrigerators, stoves, furniture, tires, and cans, or premises in a **neighborhood** for **10 days or more**, unless the **rubbish** or object is completely enclosed within a building or is not visible from a **public street**; [\[\(R\) 2.01-\(b\)\]](#)
- maintaining premises in a manner **that creates an unsanitary condition** likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests; [\[\(R\) 2.01-\(c\)\]](#)
- allowing **weeds** to grow on premises in a **neighborhood** if such **weeds** are located within **300 feet of another residence or commercial establishment**; [\[\(R\) 2.01-\(d\)\]](#)
- maintaining a building in a manner that is structurally **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; [\[\(R\) 2.01-\(e\)\]](#)
- maintaining on any property in a **neighborhood** a **swimming pool that is not protected** with: [\[\(R\) 2.01-\(f\)\]](#)
  - a fence that is at least four feet high and that has a latched gate that cannot be opened by a child or a cover over the entire swimming pool that cannot be removed by a child; and [\[\(R\) 2.01-\(f\)\(1\)\]](#)

- the swimming pool was constructed or installed on or after September 1, 2005, or located on property sold on or after September 1, 2005; [\[\(R\) 2.01-\(f\)\(2\)\]](#)
- maintaining on abandoned and unoccupied property in a [neighborhood](#) a swimming pool that is not protected with: [\[\(R\) 2.01-\(g\)\]](#)
  - a fence that is at least four feet high and that has a latched gate that cannot be opened by a child or a cover over the entire swimming pool that cannot be removed by a child; and [\[\(R\) 2.01-\(g\)\(1\)\]](#)
  - the swimming pool was constructed or installed before September 1, 2005, and the property has not been sold on or after September 1, 2005; [\[\(R\) 2.01-\(g\)\(2\)\]](#)
- maintaining a [flea market](#) in manner that constitutes a fire hazard; discarding refuse or creating a hazardous visual obstruction on: [\[\(R\) 2.01-\(h\)\]](#)
  - county-owned land; or [\[\(R\) 2.01-\(h\)\(1\)\]](#)
  - land or easements owned or held by a special district that has the commissioners court of the county as its governing body; [\[\(R\) 2.01-\(h\)\(2\)\]](#)
- discarding refuse on the smaller of: [\[\(R\) 2.01-\(i\)\]](#)
  - the area that spans 20 feet on each side of the utility line; or [\[\(R\) 2.01-\(i\) \(1\)\]](#)
  - the actual span of the utility easement; or [\[\(R\) 2.01-\(i\) \(2\)\]](#)
- filling or blocking a drainage easement, failing to maintain a drainage easement, maintaining a drainage easement in a manner that allows the easement to be clogged with debris, sediment, or vegetation, or violating an agreement with the county to improve or maintain a drainage easement. [\[\(R\) 2.01-\(k\)\]](#)

## **DEFINITIONS**

All

**"Antique auto"** means a passenger car or truck that is at least 35 years old (JV)(1)(a)

**"Abate"** means to eliminate a nuisance by removal, repair, rehabilitation, or demolition (R) 1.01-(a)

**"Building"** means a structure built for the support, shelter, or enclosure of person, animal, chattel, machine, equipment, or other moveable property (R) 1.01-(b)

**"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 (JV)(1)(d)

**"Demolisher"** means a person whose business is to convert a [motor vehicle](#) into processed scrap or scrap metal or to otherwise wreck or dismantle a [motor vehicle](#) (JV)(1)(b)

**"Department"** means Bexar County Department of Public Works or Bexar County Infrastructure Department (JV)(1)(c) (L) 1.01-(a) (R) 1.01-(c)

**"Developed"** means altered from its natural state by leveling and/or clearing so that it is reasonably accessible to mowing equipment (R) 1.01-(d)

**"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 (R) 1.01-(e)

**"Garbage"** means all decayable wastes from public and private establishments and restaurants including vegetable, animal, and fish offal and animal and fish carcasses, but does not include sewage, body waste, or an industrial by-product (R) 1.01-(f)

**"Junked vehicle"** means a [motor vehicle](#) (JV)(1)(e):

- that is inoperative; and (JV)(1)(e)(1)
- 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 45 days. (JV)(1)(e)(2)

**"Litter"** means: (L) 1.01-(b)

- decayable waste from a public or private establishment, residence or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking or consumption of food, but not including sewage, body wastes, or industrial byproducts; or (L) 1.01-(b)(1)
- nondecayable solid waste, except ashes, that consist of (L) 1.01-(b)(2)
  - combustible waste material, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials; (L) 1.01-(b)(2)
  - noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; and (L) 1.01-(b)(2)
  - discarded or worn-out manufactured materials and machinery, including [motor vehicles](#) and parts of [motor vehicles](#), tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal. (L) 1.01-(b)(2)

**"Motor vehicle"** means a motor vehicle subject to registration under the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), except that for purposes of Articles 5.02, 5.03, and 5.04 of the Act, "motor vehicle" includes motorboat, outboard motor, or vessel subject to registration under Chapter 31, Texas Parks and Wildlife Code (JV)(1)(f)

**"Neighborhood"** means (R) 1.01-(g):

- A platted subdivision; or (R) 1.01-(g)(1)
- Property contiguous to and within 300 feet of a platted subdivision. (R) 1.01-(g)(2)

**"Person"** includes corporation organization government or governmental subdivision or agency, business trust, estates, trust, partnership, association, or any other legal entity (R) 1.01-(h)

**"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 (R) 1.01-(i)

**"Premises"** means all privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes, together with the yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property (R) 1.01-(j)

**"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, bridge is opened to the public for vehicular traffic or pedestrian traffic (R) 1.01-(k)

**"Public Highway"** means the entire width between property lines of a road, street, way, thoroughfare, bridge, public beach, *or park in this state, not* privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge, public beach, or park is opened to the *public for* vehicular traffic, is used as a public recreational area, or is under the state's legislative jurisdiction through its police power (L) 1.01-(d)

**"Receptacle"** means a container that is composed of durable material and designed in a way that prevents the discharge of its contents and makes its contents inaccessible to animals, vermin, or other pests (R) 1.01-(l)

**"Refuse"** means [garbage](#), [rubbish](#), paper, and other decayable and non-decayable waste, including vegetable matter and animal and fish carcasses (R) 1.01-(m)

**"Rubbish"** means all non-decayable wastes, except ashes, from a public or private establishment or residence (R) 1.01-(n)

**"Special interest vehicle"** means a [motor vehicle](#) of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists (JV)(1)(g).

**"Weeds"** means all rank and uncultivated vegetable growth or matter that (R) 1.01-(o):

- has grown to more than 36 inches in height; or (R) 1.01-(o)(1)
- regardless of height, may create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests. (R) 1.01-(o)(2)

(JV) [Junk Vehicles](#) Court Order

(L) [Litter](#) Court Order

(R) [Refuse](#) Court Order

**COMMISSIONERS COURT ORDER No. 13.105.082290**

**Commissioners Court order Adopting Procedures  
for the Abatement and Removal of Junked Vehicles  
as a Public Nuisance pursuant to  
Art. 4477-9a, V.A.T.S.**

WHEREAS, the Legislature has enacted the Litter Abatement Act, Article 4477-9a, of the Texas Revised Civil Statutes; and

WHEREAS, that Act authorizes the counties of this state to adopt procedures for the abatement and removal of a junked vehicle or a part of a junked vehicle as a public nuisance, in conformity with the requirements of that Act; and

WHEREAS, the Commissioners Court of Bexar County, Texas finds that junked vehicles are detrimental to the safety and welfare of the general public, tend to reduce the value of private property, invite vandalism, create fire hazards, and constitute an attractive nuisance creating a hazard to the safety and health of minors; and WHEREAS, the Commissioners Court of Bexar County, Texas, has considered the matter and deems it appropriate to adopt procedures for the abatement and removal of junked vehicles or parts of junked vehicles as public nuisances in conformity with the requirements of the Litter Abatement Act;

**NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS:**

**Article I  
Definitions**

- (a) "Antique auto" means a passenger car or truck that is at least 35 years old;
- (b) "Demolisher" means a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle;
- (c) "Department" means Bexar County Department of Public Works;
- (d) "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;
- (e) "Junked vehicle" means a motor vehicle:
  - (1) that is inoperative; and
  - (2) 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 45 days.
- (f) "Motor vehicle" means a motor vehicle subject to registration under the Certificate of Title Act (Article 6687-1, Vernon's Texas Civil Statutes), except that for purposes of Articles 5.02, 5.03, and 5.04 of the Act, "motor vehicle" includes motorboat, outboard motor, or vessel subject to registration under Chapter 31, Texas Parks and Wildlife Code.
- (g) "Special interest vehicle" means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by

hobbyists.

## **Article II**

### **Junked Vehicles Declared a Public Nuisance Exceptions**

2.01 The Litter Abatement Act has deemed junked vehicles that are located in a place where they are visible from a public place or public right-of-way to be a public nuisance.

2.02 The following vehicles or parts thereof are excepted from the provisions of this order:

1. 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.
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, junkyard, or automotive wrecking and salvage yard.
3. Unlicensed, operable or inoperable antique and special interest vehicles stored by a collector on his property, provided that the vehicles and the 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.

## **Article III**

### **Administration of Abatement and Removal Procedures**

3.01 Commissioners Court of Bexar County, Texas hereby authorizes the Department to administer the abatement and removal procedures adopted in this Order.

## **Article**

### **IV Notice to Abate Nuisance**

4.01 Nuisance on Private Property - the Department shall furnish notice, 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 expiration of said ten (10) day period, such notice to be mailed, by certified mail with a five (5) day return requested, to the last known registered owner of the motor vehicle and all lien holders of record and to the owner or the occupant of the private premises whereupon such public nuisance exists. If any notice is returned undelivered the Department shall post notice of the existence of the nuisance and the proposed action at the County Courthouse and on the junked vehicle.

4.02 Nuisance on Public Property -- the Department shall furnish notice, stating the nature of the public nuisance on public property or on public right-of-way and that it must be removed and abated within ten (10) days and further that a request for hearing must be made before expiration of said ten (10) day period, such notice is to be mailed by certified mail with a five (5) day return requested, to the last known registered owner of the motor vehicle and all lien-holders of record and to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If any notice is returned undelivered the Department shall post notice of the existence of the nuisance and the proposed action at the County Courthouse and on the junked vehicle.

## **Article V**

### **Hearing**

5.01 Commissioners Court will conduct a public hearing in order to determine whether the junked

vehicle should be removed as a public nuisance. All hearings will be conducted ten (10) days after notice pursuant to Article IV of this order is received or posted. In the event that multiple parties are entitled to notice, the date of the hearing is calculated from the date that the last party received notice, or, if applicable, from the date notice is posted.

5.02 An owner or occupant who wishes to contest the designation of the public nuisance at the 'hearing must notify County Judge within 10 days after receipt or posting of notice.

## **Article VI Order of Removal**

6.01 Commissioners Court of Bexar' County will order the removal of any vehicle or vehicle part found to be a public nuisance in a hearing conducted pursuant to Article V.

6.02 The order requiring the removal of a vehicle or part thereof must include a description of the vehicle, and shall include the correct identification number and license number of the vehicle if the information is available.

## **Article VII Disposal of Junked Vehicles**

7.01 Junk vehicles or parts thereof may be disposed by removal to a scrapyard or demolisher by the county or any party with whom the County contracts for same, for processing as scrap or salvage, which process shall be consistent with the procedures set forth herein.

7.02 After a vehicle or part thereof has beer. removed, it shall not be reconstructed or made operable.

## **Article VIII Notice to State**

8.01 Notice must be given to the State Department of Highways and Public Transportation within five (5) days after the date of removal identifying the vehicle or part thereof. Said Department shall forthwith cancel the certificate of title to such vehicle pursuant to Article 6687-1, Vernon's Texas Annotated Civil Statutes, as amended.

9.01 The administration of the Commissioners Court procedures herein shall be by such regularly salaried, full-time Department employees as may be granted authority by the Bexar County Commissioners Court to enforce this ordinance, except that the removal of vehicles or parts thereof from property may be by any duly authorized person.

9.02 A County employee authorized to enforce this ordinance may enter the public areas of any building or premises, not a private residence or dwelling, structure or completely enclosed structure on private property, at all reasonable times whenever necessary in the performance of his/her duties to inspect and investigate for violations of any law, or to enforce any law. The authority to inspect shall include but not be limited to the authority to examine vehicles or parts thereof, obtain information as to identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be nuisance. If such building or premises be occupied and involved in conducting business, he/she shall first present proper credentials and demand entry, unless otherwise permitted by law. If such entry is refused, or, if no owner or other person having charge or control of the building or premises can be located, he/she shall have recourse to every remedy provided by law to secure entry.

## **Article X Effect of Act on Other Laws**

10.01 Nothing in this Order shall affect laws that permit immediate -removal of a vehicle left on public property which constitutes an obstruction to traffic, or laws that establish procedures for taking possession of abandoned motor vehicles.

#### **Article XI Severability**

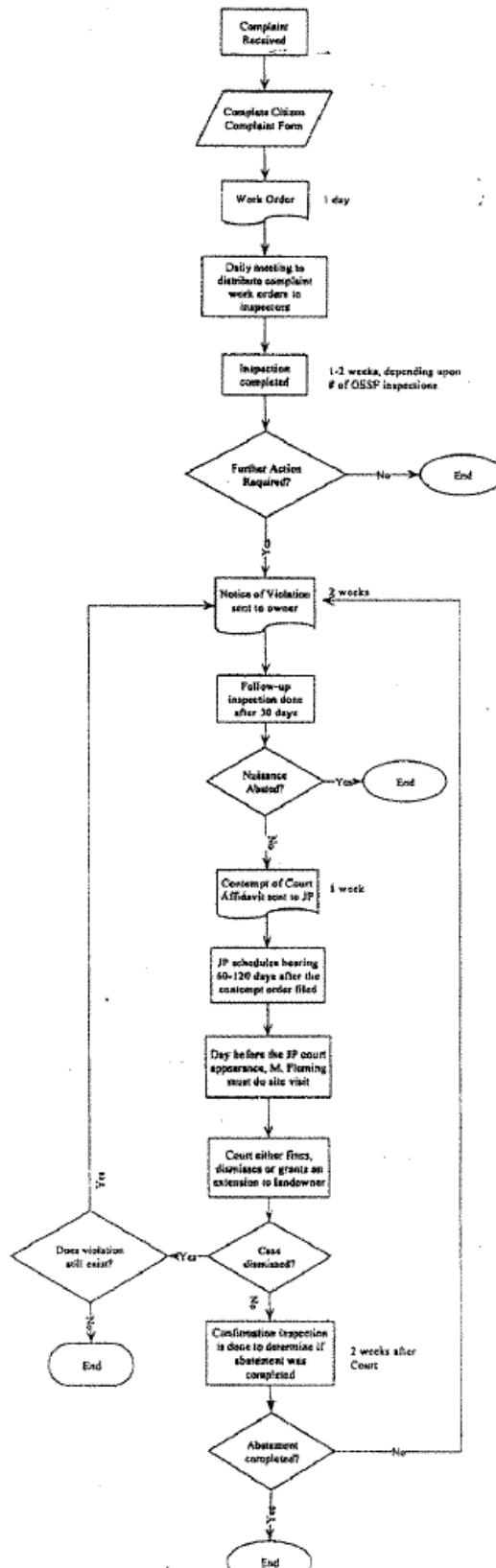
11.01. If any provision of these Regulations or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or application of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.

#### **Article XII Criminal Penalties**

12.01 Independent of the procedures established herein, the maintenance of a public nuisance as defined in Section 2.01 of this Order is an offense under Article 4477-9a, 5 5.08, V.A.T.S., punishable by a fine not to exceed \$200.00.



# Nuisance Complaint Process



Article XIII Effective Date

13.01 This Order is effective August 22, 1990.

PASSED AND APPROVED THIS THE 22 DAY OF August,  
1990.

Tom Vickers  
TOM VICKERS  
County Judge

John A. Longoria  
JOHN A. LONGORIA  
Commissioner Precinct 1

Paul Elizondo  
PAUL ELIZONDO  
Commissioner Precinct 2

Walter Bielstein  
WALTER BIELSTEIN  
Commissioner Precinct 3

Bob Lee  
BOB LEE  
Commissioner Precinct 4

Approved:  
Grady Sullivan  
Mark Allen DeBolt

**COMMISSIONERS COURT AMENDED ORDER PROHIBITING THE  
ACCUMULATION OF LITTER NEAR PUBLIC HIGHWAYS AND ADOPTING  
PROCEDURES FOR THE REMOVAL AND DISPOSAL OF SAID LITTER PURSUANT  
TO ART. 4477-9A, § 3.44, V.A.T.S., NOW CHAPTER 365 OF THE HEALTH & SAFETY CODE,  
V.T.C.A.**

WHEREAS, the Legislature enacted the Litter Abatement Act, Article 4477-9a, of the Texas Revised Civil Statutes now Chapter 365 of the Health & Safety Code, V.T.C.A.; and

WHEREAS, Section 365.017 of the Health & Safety Code authorizes the counties of this state to prohibit the accumulation of litter near public highways and to adopt procedures for the removal and disposal of said litter in conformity with the requirements of Chapter 365; and

WHEREAS, on August 22, 1990, the Commissioners Court of Bexar County, Texas, adopted regulations to deter and remove the accumulation of junk and refuse near public highways; and

WHEREAS, the Legislature has amended Chapter 365; and

WHEREAS, the Commissioners Court of Bexar County, Texas, finds that the regulations adopted herein are necessary to promote the public health, safety, and welfare of the resident of Bexar County; and

WHEREAS, the Commissioners Court of Bexar County, Texas, has considered the matter and deems it appropriate to amend its Order adopting procedures for the removal and disposal of litter in accordance with the amendments to the enabling legislature;

NOW, THEREFORE, IT IS ORDERED, BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS:

**Article I  
Definitions**

1.01 In this Order:

(a) "Department" means Bexar County Infrastructure Department\_

(b) "Litter" means:

- (1) decayable waste from a public or private establishment, residence or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking or consumption of food, but not including sewage, body wastes, or industrial byproducts; or
- (2) nondecayable solid waste, except ashes, that consist of
  - i. combustible waste material, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials;
  - ii. noncombustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less; and

iii. discarded or worn-out manufactured materials and machinery, including motor vehicles and parts of motor vehicles, tires, aircraft, farm implements, building or construction materials, appliances, and scrap metal.

(d) "Public Highway" means the entire width between property lines of a road, street, way, thoroughfare, bridge, public beach, *or park in this state, not* privately owned or controlled, if any part of the road, street, way, thoroughfare, bridge, public beach, or park is opened to the *public* for vehicular traffic, is used as a public recreational area, or is under the state's legislative jurisdiction through its police power.

## **Article II Accumulation of Litter Prohibited**

2.01 The Commissioners Court of Bexar County hereby prohibits the accumulation of litter, excluding equipment used for agricultural purposes, for more than 30 days on private property which is within 50 feet of a public highway in Bexar County.

## **Article III Removal and Disposal of Litter; Assessment of Costs**

3.01 The Department is hereby authorized to administer the procedures for the removal and disposal of any litter accumulated in violation of Article 2.01 of this Order.

3.02 The cost of removal and disposal of litter pursuant to Article 3.01 will be assessed against the owner of the property from which the litter is removed.

3.03 Removal and disposal of litter may be performed by anyone authorized to do so by the Department.

## **Article IV Notice**

4.01 Before the Department takes any action to remove or dispose of litter in accordance with Article 3.01, the Department shall send notice by registered or certified mail, return receipt requested, to the record owner of the property on which the litter is accumulated in violation of Article 2.01. The Department may not remove or dispose of the litter or assess the costs of the removal and disposition against a property owner before the 30` day after the date such notice is sent.

4.02 The Department shall send by registered or certified mail, return receipt requested, notice of an assessment made pursuant to Article 3.02 to the person assessed.

4.03 If notice is returned undelivered, Department shall post notice on the premises on which the litter is accumulated.

## **Article V Appeal Procedure**

5.01 A person against whom an assessment has been made under this Order shall have fifteen (15) days from the date of issuance of notice of the assessment to submit in writing to the County Judge a request for a hearing on the assessment.

5.02 Commissioners Court shall conduct a hearing on the assessment. The hearing shall be conducted

within fifteen (15) days of the request for the hearing.

5.03 At the hearing, Commissioners Court shall determine whether the assessment of costs was in accordance with this Order. The person against whom costs have been assessed shall have the burden of proving that the assessment was improper.

#### **Article VI Failure to Pay Assessment**

6.01 If a person assessed costs under this article does not pay the costs within 60 days after the date of assessment, or, in the event of an appeal from the assessment, within fifteen (15) day after an affirmation of the assessment:

- (a) a lien in favor of the county shall attach to the property from which the litter was removed to secure the payment of the costs with interest accruing at an annual rate of 10% on any unpaid part of the costs; and
- (b) Commissioners Court of Bexar County shall file a statement of costs in the office of the county clerk in order to perfect the lien.

#### **Article VII Criminal Penalty**

7.01 Additionally, a violation of Article 2.01 of this Order is a Class C misdemeanor and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00)

7.02 A separate offense occurs on each day all elements of the offense exist.

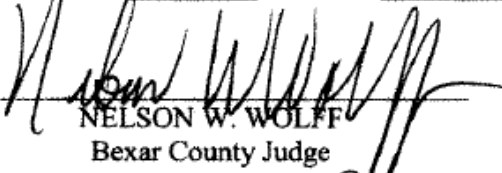
#### **Article VIII Severability**

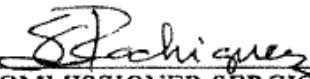
8.01 If any provision of these Regulations or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or application of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.


#### **Article IX**

9.01 Effective Date This Order is effective OCTOBER 25, 2005

PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF October, 2005.

  
NELSON W. WOLFF  
Bexar County Judge

  
COMMISSIONER SERGIO "CHICO"  
RODRIGUEZ  
Precinct 1

  
COMMISSIONER LYLE LARSON  
Precinct 3

  
COMMISSIONER PAUL ELIZONDO  
Precinct 2

  
COMMISSIONER TOMMY ADKISSON  
Precinct 4

**COMMISSIONERS COURT SECOND AMENDMENT ORDER ADOPTING  
PROCEDURES FOR ABATEMENT OF REFUSE AND OTHER NUISANCES' FROM  
NEIGHBORHOODS PURSIT TO CHAPTER 343 OF THE HEALTH & SAFETY CODE, V.T.C.A.**

WHEREAS, the Legislature has enacted Chapter 343 of the Texas Health and Safety Code;  
and

WHEREAS, on August 22, 1390, the Commissioners Court of Bexar County, Texas adopted  
Procedures for Abatement of Refuse and Other Nuisances from Neighborhoods pursuant to Chapter  
343 of the Texas Health and Safety Code; and

WHEREAS, the Legislature has amended portions of that chapter to expand the authority of  
counties pertaining to such abatement procedures; and

WHEREAS, the Commissioners Court of Bexar County, Texas, has considered the matter and  
deems it appropriate to amend its Order adopting additional procedures in accordance with the  
amendments to the enabling legislature for that Order;

**NOW, THEREFORE, IT IS ORDERED, BY THE COMMISSIONERS COURT OF BEXAR COUNTY,  
TEXAS**

**Article I  
Definitions**

1.01 In this Order:

- (a) "Abate" means to eliminate a nuisance by removal, repair, rehabilitation, or demolition.
- (b) "Building" means a structure built for the support, shelter, or enclosure of person, animal, chattel, machine, equipment, or other moveable property.
- (c) "Department" means Bexar County Infrastructure Department.
- (d) "Developed" means altered from its natural state by leveling and/or clearing so that it is reasonably accessible to mowing equipment.
- (e) "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.
- (f) "Garbage" means all decayable wastes from public and private establishments and restaurants including vegetable, animal, and fish offal and animal and fish carcasses, but does not include sewage, body waste, or an industrial by-product.
- (g) "Neighborhood" means:
  - (1) A platted subdivision; or
  - (2) Property contiguous to and within 300 feet of a platted subdivision.
- (h) "Person" includes corporation organization government or governmental subdivision or agency, business trust, estates, trust, partnership, association, or any other legal entity.
- (i) "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,

- (j) "Premises" means all privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes, together with the yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.
- (k) "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, bridge is opened to the public for vehicular traffic or pedestrian traffic.
- (l) "Receptacle" means a container that is composed of durable material and designed in a way that prevents the discharge of its contents and makes its contents inaccessible to animals, vermin, or other pests.
- (m) "Refuse" means garbage, rubbish, paper, and other decayable and non-decayable waste, including vegetable matter and animal and fish carcasses.
- (n) "Rubbish" means all non-decayable wastes, except ashes, from a public or private establishment or residence.
- (o) "Weeds" means all rank and uncultivated vegetable growth or matter that:
  - (1) has grown to more than 36 inches in height; or
  - (2) regardless of height, may create an unsanitary condition or become a harborage for rodents, vermin, or other disease-carrying pests.

## Article II

### Public Nuisances on Premises

2.01 Chapter 343 of the Health and Safety Code has deemed the following to be public nuisances:

- (a) keeping, storing, or accumulating refuse on premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;
- (b) keeping, storing or accumulating rubbish, including newspapers, vehicles, refrigerators, stoves, furniture, tires, and cans, or premises in a neighborhood for 10 days or more, unless the rubbish or object is completely enclosed within a building or is not visible from a public street;
- (c) maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
- (d) allowing weeds to grow on premises in a neighborhood if such weeds are located within 300 feet of another residence or commercial establishment;
- (e) maintaining a building in a manner that is structurally 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;
- (f) maintaining on any property in a neighborhood a swimming pool that is not protected with:
  - (1) a fence that is at least four feet high and that has a latched gate that cannot be opened by a child or a cover over the entire swimming pool that cannot be removed by a child; and
  - (2) the swimming pool was constructed or installed on or after September 1, 2005, or located on property sold on or after September 1, 2005;
- (g) maintaining on abandoned and unoccupied property in a neighborhood a swimming pool that is not protected with:
  - (1) a fence that is at least four feet high and that has a latched gate that cannot be opened by a child or a cover over the entire swimming pool that cannot be removed by a child; and
  - (2) the swimming pool was constructed or installed before September 1, 2005, and the property has not been sold on or after September 1, 2005;
- (h) maintaining a flea market in manner that constitutes a fire hazard; discarding refuse or creating a hazardous visual obstruction on:
  - (1) county-owned land; or
  - (2) land or easements owned or held by a special district that has the commissioners court of the county as its governing body;
- (i) discarding refuse on the smaller of:
  - (1) the area that spans 20 feet on each side of the utility line; or



- (2) the actual span of the utility easement; or
- (k) filling or blocking a drainage easement, failing to maintain a drainage easement, maintaining a drainage easement in a manner that allows the easement to be clogged with debris, sediment, or vegetation, or violating an agreement with the county to improve or maintain a drainage easement.

2.02 Article 2.01 of this Article does not apply to a site or facility that

- (1) is permitted and regulated by a state agency;
- (2) licensed or permitted under Chapter 361; or
- (3) land that qualifies for tax appraisal under Chapter C or D, Chapter 23. Code.

### **Article III Administration of Abatement Proceedings**

3.01 The Commissioners Court of Bexar County, Texas hereby authorizes the Department to administer the abatement procedures adopted in this Order.

### **Article IV Notice of Abate Nuisance**

4.01 The Department shall give written notice to the owner of the property on which a nuisance as defined in Article 2.01 exists.

4.02 Said notice shall state:

- (a) the specific condition that constitutes a nuisance;
- (b) that the person receiving notice must abate the nuisance not later than the 30<sup>th</sup> day after the date on which the notice is served if the person has not previously received a notice regarding a nuisance on the premises, or the 10<sup>th</sup> business day after the date on which the notice is served, if the person has previously received a notice regarding a nuisance on the premises;
- (c) that failure to abate the nuisance may result in abatement by the county, assessment of costs to the person responsible for causing the nuisance when that person can be identified, and a lien against the property on which the nuisance exists, if the person responsible for causing the nuisance has an interest in the property;
- (d) that the county may prohibit or control access to the premises to prevent a continued or future nuisance described by 2.01 (a), (i), or 6); and
- (e) that the person receiving notice is entitled to submit a written request for a hearing before the:
  - (1) 315<sup>th</sup> day after the date on which the notice is served, if the person has not previously received a notice regarding a nuisance on the premises; or
  - (2) 10<sup>th</sup> business day after the date on which the notice is served, if the person has previously received a notice regarding a nuisance on the premises

4.03 Notice shall be served on the owner or his agent

- (a) in person or by registered or certified mail, return receipt requested; or
- (b) if personal service cannot be obtained or the address of the owner or his agent is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in a newspaper with general circulation in the county two times within 10 consecutive days.

4.04 If the occupier of the premises is not the owner or his agent, the occupier shall also be served with notice: (a) in person or by registered or certified mail; or (b) if personal service cannot be obtained, by posting a copy of the notice on the premises.

#### **Article V Hearing**

5.01 If a hearing is requested in conformity with Article 4.02(e), the County Judge shall order a public hearing before the Department takes action to abate a nuisance under this Order.

5.02 All hearings under this Article will be conducted by Commissioners Court within 15 days after receipt by the County Judge of request for hearing.

#### **Article VI Abatement**

6.01 In the event the owner of the property fails to abate the nuisance within thirty days of the date notice is received, and has not requested a hearing, the Department may abate the nuisance by demolition or removal or, in the case of a nuisance under 2.01 (a), (i), or by prohibiting or controlling access to the premises.

6.02 The demolition or removal of a nuisance under this Order may be performed by a person so authorized by the Department.

#### **Article VII Lien**

7.01 Commissioners Court may, by order or resolution, assess the cost of abating the nuisance, the cost of legal notification by publication, and an administrative fee of \$100.00 against the property on which the nuisance exists. Bexar County is entitled to accrued interest beginning on the 31<sup>st</sup> day after the date of the assessment against the property at a rate of 10% per year.

7.02 Commissioners Court may obtain a lien against the property for the assessment and interest thereon by filing a statement of costs with the County Clerk of Bexar County, Texas in order to perfect the lien.

#### **Article VIII Use of County Funds**

8.01 Bexar County is entitled to use money available under other law for a cleanup or remediation of private property to abate a nuisance described in 2.01 (a), (i), or (j).

#### **Article IX Criminal Penalties**

9.01 Criminal penalties attach to a violation of Chapter 343 if the nuisance remains unabated after the 30th day after the date on which the person received notice from a county official, agent, or employee to abate the nuisance.

#### **Article X Severability**

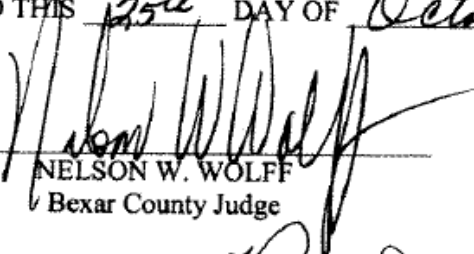
10.01 If any provision of these Regulations or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or application of these

Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are declared to be severable.

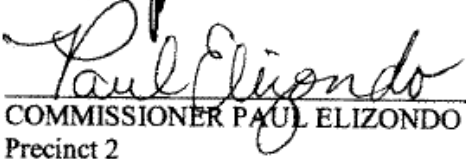
**Article X**  
**Effective Date**


10.01 This Order is effective OCTOBER 25, 2005.


PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF October, 2005.

  
NELSON W. WOLFF  
Bexar County Judge

  
COMMISSIONER SERGIO "CHICO"  
RODRIGUEZ  
Precinct 1

  
COMMISSIONER PAUL ELIZONDO  
Precinct 2

  
COMMISSIONER LYLE LARSON  
Precinct 3

  
COMMISSIONER TOMMY ADKISSON  
Precinct 4