

Chapter 8

HEALTH AND SANITATION*

Article I. In General

- Sec. 8-1. Dumping garbage prohibited.
Secs. 8-2—8-25. Reserved.

Article II. Unsanitary, Unsightly Conditions

- Sec. 8-26. Stagnant water.
Sec. 8-27. Unwholesome matter.
Sec. 8-28. Weeds, rubbish, brush or other unsanitary matter.
Sec. 8-29. Notice to owner to remedy, remove stagnant water, unwholesome conditions; correction and collection of expenses by city.
Sec. 8-30. Notice to owner of weeds, rubbish, brush or unsanitary matter; correction and assessment of expenses by city.
Sec. 8-31. Statement of expenses incurred; lien.
Sec. 8-32. Penalty.
Secs. 8-33—8-50. Reserved.

Article III. Excessive or Unnatural Noise

- Sec. 8-51. Prohibited conduct.
Sec. 8-52. Noises prohibited—Unnecessary noise standard.
Sec. 8-53. Violations.
Sec. 8-54. Additional remedy injunction.

***Cross references**—Emergency management, ch. 5; fire prevention and control, ch. 6; water, sewers and sewage disposal, ch. 20.

1

2

3

ARTICLE I. IN GENERAL

Sec. 8-1. Dumping garbage prohibited.

It is unlawful for any person to willfully and knowingly dump or otherwise dispose of garbage or trash within the confines of the city limits.

(Ord. No. 9, § 2, 7-14-1967)

Secs. 8-2—8-25. Reserved.

ARTICLE II. UNSANITARY, UNSIGHTLY CONDITIONS*

Sec. 8-26. Stagnant water.

It shall be unlawful for the owner of any lot in the city to permit or allow holes or places where water may accumulate and become stagnant to be or remain on the lot or to allow or permit the accumulation of stagnant water thereon or to permit stagnant water to remain thereon.

(Ord. No. 111, §§ 1, 2, 2-13-1984)

Sec. 8-27. Unwholesome matter.

It shall be unlawful for any person who shall own or occupy any house, building, establishment, lot or yard in the city to permit or allow any carrion, filth or other impure or unwholesome matter to accumulate or remain thereon.

(Ord. No. 111, § 3, 2-13-1984)

Sec. 8-28. Weeds, rubbish, brush or other unsanitary matter.

It shall be unlawful for any person who shall own or occupy any lot in the city to allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to accumulate or grow on such lot.

(Ord. No. 111, § 4, 2-13-1984)

*State law reference—Authority of city to prohibit conditions described in this article, V.T.C.A., Health and Safety Code ch. 342.

Sec. 8-29. Notice to owner to remedy, remove stagnant water, unwholesome conditions; correction and collection of expenses by city.

If any owner of a lot that has places thereon where stagnant water may accumulate or that is not properly drained, or if the owner of any premises or building upon which carrion, filth or other impure or unwholesome matter fails or refuses to drain or fill the lot or remove such filth, carrion or other impure or unwholesome matter, as the case may be, within ten days after notice to the owner to do so, in writing, or by letter addressed to such owner at his post office address or within ten days after notice by publication at least twice within ten consecutive days in any newspaper in the state, if personal service may not be had, or if the owner's address is not known, the city may do such filling or draining, or removal of filth, carrion, etc., or any other unsightly, objectionable or unsanitary matter or cause it to be done and may pay therefor and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or real estate. If such work is done or improvements made at the expense of the city, such expenses shall be assessed on the real estate or the lot upon which such expense was incurred.

(Ord. No. 111, § 5, 2-13-1984)

Sec. 8-30. Notice to owner of weeds, rubbish, brush or unsanitary matter; correction and assessment of expenses by city.

If any owner of any lot within the city allows weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to grow or accumulate thereon and shall fail or refuse to cut down or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter, as the case may be, within ten days after notice to the owner to do so, in writing, or by letter addressed to such owner at his post office address, or within ten days after notice by publication at least twice within ten consecutive days in any newspaper in the state, if personal service may not be had or if the owner's address is not known, the city may do such cutting down or removing such weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter or cause it to

be done and may pay therefor and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or real estate. If such work is done or improvements made at the expense of the city, such expenses shall be assessed on the real estate or lot upon which such expense was incurred.

(Ord. No. 111, § 6, 2-13-1984)

Sec. 8-31. Statement of expenses incurred; lien.

The mayor or city health officer shall file a statement of such expenses incurred under section 8-29 or under section 8-30 of this article, as the case may be, giving the name of the owner, if known, the legal description of the property, the amount of such expenses, and the date on which such work was done or improvements made with the county clerk. The city shall have a privileged lien on such lot or real estate upon which such work was done or improvements made to secure the expenditures so made, in accordance with the provisions of V.T.C.A., Health and Safety Code ch. 342, which lien shall be second only to tax liens and liens for street improvements, and such amount shall bear ten percent interest from the date such statement was filed. It is further provided that for any such expenditures and interest, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the city, and the statement of expenses so made or a certified copy thereof shall be prima facie proof of the amount expended for such work or improvements.

(Ord. No. 111, § 7, 2-13-1984)

Sec. 8-32. Penalty.

Any person who shall violate this article shall be guilty of a misdemeanor and, upon conviction, shall be fined as provided in section 1-5 of this Code. If the owner or occupant of any lot or premises under this article shall be a corporation and shall violate this article, the president, vice-president, secretary, treasurer of such corporation or any manager, agent or employee of such corporation shall be also severally liable for the penalties.

(Ord. No. 111, § 8, 2-13-1984)

Secs. 8-33—8-50. Reserved.

ARTICLE III. EXCESSIVE OR UNNATURAL NOISE**Sec. 8-51. Prohibited conduct.**

It shall be unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city.

(Ord. No. 186, § 2, 10-11-1999)

Sec. 8-52. Noises prohibited—Unnecessary noise standard.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article, but said enumeration shall not be deemed to be exclusive, namely;

- (1) *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device which traffic is for any reasons held up.
- (2) *Radios, phonographs, etc.* The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to

be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

- (3) *Loud speakers, amplifiers for advertising.* The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the purpose of reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- (5) *Animals, birds, etc.* The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.
- (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (8) *Defect in vehicle or load.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

- (9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (11) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (12) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (13) *Metal rails, pillars and columns, transportation thereof.* The transportation of rails, pillars or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (14) *Street railway cars, operation thereof.* The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a street railway car.
- (15) *Pile drivers, hammers, etc.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (16) *Blowers.* The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operat-

ing gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

(Ord. No. 186, § 2, 10-11-1999)

Sec. 8-53. Violations.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as offense and shall be punishable as such hereunder.

(Ord. No. 186, § 2, 10-11-1999)

Sec. 8-54. Additional remedy injunction.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. No. 186, § 2, 10-11-1999)

