

ORDINANCE NUMBER 19-10-1144

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AMENDING ARTICLE 10.04 “PROPERTY MAINTENANCE” OF CHAPTER 10 “HEALTH AND SANITATION” OF TITLE I “GENERAL ORDINANCES” OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, BY REPEALING SUBSECTION 10.04.001 ENTITLED “DUTY TO MAINTAIN PROPERTY IN SANITARY CONDITION” AND ADOPTING A NEW SUBSECTION 10.04.001 “DUTY TO MAINTAIN PROPERTY”; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of Murphy is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the City has agreed to the Notice of Change of the MS4 permit executed on March 29, 2016, which requires the City to adopt an ordinance that prohibits non-storm water discharges that significantly contribute pollutants to the MS4; and

WHEREAS, the City will inspect all suspected sites and require property owners to eliminate the cause; and

WHEREAS, the City is empowered to adopt ordinances regulating certain public nuisances, including without limitation, those nuisances defined in Chapter 342 of the Texas Health and Safety Code; and

WHEREAS, the City finds that the continued existing of unsightly conditions upon property, including without limitation, the accumulation of waste matter and the display of graffiti and other defacing marks, is detrimental to property values and to the public health, safety and welfare; and

WHEREAS, the City finds that the accumulation of garbage, stagnant water, and other objectionable, unsightly and unsanitary conditions upon Property within the City of Murphy creates a nuisance that is harmful to the health, safety and welfare of the public; and

WHEREAS, the City finds that the practice of discarding yard waste into the public roadway creates a hazard in the roadway and causes such waste to be dispersed into the City’s drainage system, thereby creating a nuisance and hazard; and

WHEREAS, the City finds that the adoption of this ordinance regulating nuisances within the City is necessary to prevent and remediate unsanitary and harmful conditions upon property in order to protect the health, safety and welfare of the public and to prevent negative impact to property values within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS:

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. Amendment. Section 10.04.001 entitled “Duty to Maintain Property in Sanitary Condition” of Article 10.04, “Property Maintenance” of Chapter 10, “Health and Sanitation” of Title I, “General Ordinances” of the Code of Ordinances of the City of Murphy is hereby repealed in its entirety and a new Section 10.04.001, entitled “Duty to Maintain Property” of Article 10.04, Chapter 10, Title I, is hereby adopted and shall be read in its entirety as follows, and all other sections and subsections of Article 10.04 not expressly amended hereby shall remain in full force and effect:

“Sec. 10.04.001 Duty to Maintain Property

(a) Definitions:

Carrion: The dead and putrefying flesh or carcass of any animal, fowl, or fish.

City: The City of Murphy, Texas.

Contractor: An individual, firm, partnership, association, business, corporation, or other entity that has a contract with, is employed by, or serves as the agent or representative of an Owner, as defined herein, and who is providing services to the Owner, including without limitation, yard maintenance, landscaping or other home improvement or maintenance services, whether the Property is occupied or unoccupied. This term includes the authorized agents, employees or representatives of the Contractor.

Day: One (1) calendar day.

Debris: Dirt, concrete, rocks, bricks, or other waste building materials.

Filth: Offensive or disgusting dirt or refuse; foul matter or condition.

Garbage: Household waste, animal, or vegetable matter, ashes, or any other material which is damp or capable of emitting noxious odors.

Graffiti: Writing(s), drawings, or other markings scribbled, scratched, drawn, sprayed, or otherwise placed upon a building, fence, or other structure upon Property without the authorization or consent of the Owner of Property.

Impure or unwholesome: A putrescible condition, object, or matter which causes, tends to cause or is capable of causing or producing foul odors, injury, death, or disease to human beings.

Junk: Worn out, worthless, or discarded material, including but not limited to odds and ends, household goods, old iron or other metals, glass, and cordage.

Owner: An individual, firm, partnership, association, business, corporation, or other entity that has legal or equitable title to real Property (defined herein), or who is a tenant or resident in charge of or in control of a Property, whether such Property is occupied or unoccupied. This term includes the authorized agents, employees, or representatives of the Owner.

Property: A tract of land, including any buildings thereon, grounds, or other appurtenances located within the City.

Property Maintenance Code: The version of the International Property Maintenance Code and local amendments thereto, as adopted by the City of Murphy, Texas.

Rubbish: All residentially generated waste, including without limitation, wood, wood products, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, white goods, pulp, and other products such as are used for packaging or wrapping, crockery, glass, cinders, floor sweepings, mineral or metallic substances and any and all other waste materials.

Stagnant Water: Water that is not flowing or running and/or is stale or foul.

Yard Waste: Leaves, grass clippings, yard, and garden debris, and brush, including without limitation that which results from landscaping maintenance and land clearing operations.

- (b) Responsibility. An Owner and/or Contractor shall not intentionally, knowingly, recklessly, or with criminal negligence maintain a Property in a condition that is not safe or sanitary in accordance with the standards set forth in this section, or that otherwise violates the Property Maintenance Code and/or other ordinances of the City.
- (c) Accumulation of Matter. An Owner and/or Contractor shall not intentionally, knowingly, recklessly, or with criminal negligence cause or allow any one or more of the following to accumulate on his/her Property, including without limitation, accumulation in the area from any property line of his/her Property to the adjacent curb-line or right-of-way:
 - (1) Weeds or grass more than ten (10) inches tall;
 - (2) Garbage, Rubbish, Junk, Yard Waste, and other matter which is objectionable, unsightly, or unsanitary to a person of ordinary sensibilities; or
 - (3) Filth, Carrion, or Other Impure or Unwholesome Matter.
- (d) Discarding Yard Waste. An Owner and/or Contractor shall not intentionally, knowingly, recklessly, or with criminal negligence discard Yard Waste by blowing, sweeping, depositing, or otherwise causing Yard Waste to be deposited into a right- of- way, street, or gutter in the City.
- (e) Stagnant water. An Owner and/or Contractor shall not intentionally, knowingly, recklessly, or with criminal negligence create a condition that causes or allows Stagnant Water to accumulate or remain upon Property. Where such condition exists, an Owner and/or Contractor shall drain, fill, or re-grade the Property to remedy a violation of this subsection.
- (f) Graffiti. An Owner shall not intentionally, knowingly, recklessly, or with criminal negligence cause or allow graffiti and/or other defacing markings of any kind to remain on any building, fence, or other structure located upon such person's Property.
- (g) Penalty. Any person, firm or corporation intentionally, knowingly, recklessly, or with criminal negligence violating any term or provision of this Ordinance shall be deemed

guilty of a misdemeanor and upon conviction shall be subject to a penalty of fine not to exceed the amount of Two Thousand Dollars (\$2,000) for each offense under Section 1.01.009 of the Code of Ordinances of the City. Every day a violation continues shall constitute a separate offense.

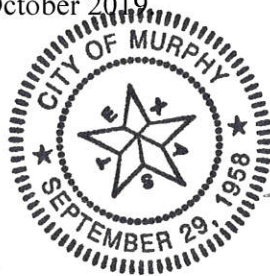
Section 3. Savings. That all rights and remedies of the City of Murphy are expressly saved as to any and all violations of the provisions of any Ordinances that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 4. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all other Ordinances of the City of Murphy and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

Section 5. Severability Clause. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. Publication/Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 15th day of October 2019





Scott Bradley, Mayor
City of Murphy, Texas

ATTEST:


Susie Quinn, City Secretary

APPROVED AS TO FORM:


for Wm. Andrew Messer, City Attorney