

TABLE OF CONTENTS
CHAPTER 6 NUISANCES

ARTICLE 6.100 AUTHORITY TO DEFINE AND PROHIBIT

- Section 6.101 Nuisances are Prohibited
- Section 6.102 Procedures for Preventing or Abating Nuisances

ARTICLE 6.200 CONDITIONS AND ACTIVITIES THAT ARE NUISANCES

- Section 6.201 General List of Nuisances
- Section 6.202 Operation of Off-Road Vehicles
- Section 6.203 Excessive Noise
- Section 6.204 Abandoned and Junked Motor Vehicles
- Section 6.205 Vehicles Parked in an Unsightly or Offensive Manner

ARTICLE 6.300 SIGNS

- Section 6.301 Generally
- Section 6.302 Signs Advertising New Developments
- Section 6.303 Garage Sale Signs
- Section 6.304 Political Signs

CHAPTER 6 – NUISANCES

ARTICLE 6.100 AUTHORITY TO DEFINE AND PROHIBIT

Section 6.101 Nuisances are Prohibited

Section 6.102 Procedures for Preventing or Abating Nuisances

- (a) As provided in Local Government Code Section 217.002 and this chapter, the City Council shall have the authority to define and declare what constitutes a nuisance, to require the abatement of a nuisance in any manner the Council deems expedient, and to punish by fine the person responsible for the nuisance in accordance with the provisions of Chapter 1 Section 1.106 of this code.
- (b) If the city determines that a nuisance exists, the city shall give written notice to the person responsible for creating or maintaining such nuisance directing such person to abate the nuisance within the time specified in the notice. If the person creating or maintaining the nuisance does not abate such nuisance within the time specified, the city may levy a fine in accordance with Section 1.106 of this code.
- (c) If, after notice and request by the city, the person responsible for creating or maintaining a nuisance fails or refuses to abate the nuisance, the city may, additionally, through appropriate proceedings, enjoin such nuisance. Such authority on the part of the City Council to abate such nuisance by court action shall not in any way affect the penalty provisions of Section 1.106 of this code.
- (d) Whenever a nuisance is found to exist that is immediately hazardous to the safety or health of the citizens, the city may abate same at the expense of the city and file a lien against the property upon which work was done to secure the expenditures so made.

ARTICLE 6.200 CONDITIONS AND ACTIVITIES THAT ARE NUISANCES

Section 6.201 – General List of Nuisances

- (a) The following businesses, activities, conditions and uses of property within the City of Oak Leaf are hereby declared to be public nuisances:
 - (1) Automobile wrecking yards
 - (2) Automobile junkyards/Salvage yards
 - (3) The use of property for the storage, sale or repair of junked or wrecked automobiles

- (4) The use of property for the storage or sale of furniture, appliances, or other household articles, used or secondhand lumber, other building materials, or metal or wire of any kind
- (5) The failure to keep property free of dead carcasses or decaying flesh, fish, fowl, vegetables, stagnant water, slops, trash, rubbish or other substances that are likely to become unwholesome, filthy, offensive, toxic, unhealthy or likely to create or engender disease or emit offensive, unhealthy or annoying odors
- (6) The burning in the open air of hair, leather, rags or other substances emitting an offensive, unhealthy or annoying odor
- (7) Defecating or urinating in public
- (8) The sale or discharge of fireworks
- (9) Dumping or placing dung, feces, urine, or other unclean or filthy substance or liquid, trash or other rubbish of any character, or dead animals, birds or fowls, or fragments thereof, upon the premises of another
- (10) The accumulation or storage of lumber, furniture, appliances, fixtures, cans, tires, containers, junk, trash or debris that causes an unsightly view from the street or road or neighboring homes
- (11) Weeds, grass and undergrowth over 12 inches
- (12) Brush piles, debris, rubbish or other materials that constitute a fire hazard or are conducive to harboring rats, snakes, mice, varmints or disease carrying animals
- (13) The pollution of any stream, drain or tributary thereof
- (14) The dumping of trash, rubbish, debris, dead animals or junk on public streets, rights-of-way and improved or unimproved property within the city limits
- (15) The operation of a home-based business or any other activity in a way that regularly or frequently causes an amount of vehicular traffic that is excessive and unreasonable in a residential neighborhood and is destructive of the tranquility and enjoyment of a residential area
- (16) Vehicles parked permanently or regularly on the street
- (17) Lighting that produces such obnoxious and intense glare with such frequency and for such extended period of time that it prevents the use and enjoyment of adjacent property.

(18) Any other use of property or activity that the City Council has heretofore declared to be a public nuisance

(b) All substandard buildings or structures declared to be nuisances under Section 7.203 shall likewise be nuisances under this section.

Section 6.202 Operation of Off Road Vehicles

(a) “Off Road Vehicles” means any motor vehicle on four wheels or fewer than four wheels, such as a four wheeler or a motorcycle or a go-kart, that is capable of being operated on terrain other than streets, roads or driveways.

(b) The act of operating an off road vehicle within the city limits in any offensive or annoying manner is prohibited.

Section 6.203 Excessive Noise

(a) It shall be unlawful for any person to use or operate, cause to be operated, or allow to be used or operated, any mechanical device, electrical device, machine, apparatus or instrument to create, intensify or amplify any sound to the annoyance or inconvenience of travelers upon any street or public place or of persons in neighboring premises.

(b) The following acts, among others, are declared to be nuisances in violation of this article, but said enumeration shall not be deemed to be exclusive.

(1) The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of persons of normal sensibilities and of ordinary tastes, habits, and modes of living in the immediate vicinity.

(2) The use of any stationary loud-speaker or amplifier of such intensity that annoys or disturbs persons of normal sensibilities and of ordinary tastes, habits, and modes of living in the immediate vicinity thereof.

(3) The keeping of any animal or fowl which by causing frequent or long continued noise shall disturb the comfort and repose of any person of normal sensibilities and ordinary taste, habits, modes of living in the immediate vicinity.

(4) The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonable loud or harsh noise for any unnecessary and unreasonable period of time.

- (5) The discharge into the open air of the exhaust of any internal combustion engine or motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) The use of any automobile, motorcycle or vehicle in a state of disrepair or loaded or operated in such a manner as to create loud or unnecessary noises such as spinning or squealing of tires, loud or defective exhaust, grating, grinding, rattling or other noise.
- (7) The erection, including excavation, demolition, alteration or repair work on any building between the hours of 8:00 P.M. and 6:00 A.M., except in case of urgent necessity or in the interest of public safety and convenience, and then only by permit from the City, which permit may be renewed during the time the emergency exists.
- (8) The creation or causing of any unreasonable or excessive noise by any means that is calculated to disturb a person of ordinary sensibilities.

Section 6.204 Abandoned and Junked Motor Vehicles

- (a) An abandoned or junked motor vehicle that is located in a place where it is visible from the public right-of-way or residences in the immediate vicinity is a nuisance.
- (b) Definitions applicable to this Section:

Abandoned Motor Vehicles

A motor vehicle that:

- (1) Is inoperable and left unattended on public property for more than 72 hours;
- (2) Has remained illegally on public property for a period of more than 72 hours;
- (3) Has remained on private property without the consent of the owner or person in control of the property for more than 72 hours;
- (4) Is left unattended on the right-of-way of a city street or designated county, state, or federal highway within the City for more than 72 hours.

Antique Auto - A passenger car or truck more than 25 years old.

Collector - The owner of one or more street rods, antique, special interest, or custom 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, maintain a street rod, antique, special interest or custom vehicle for historic interest.

Custom Vehicle - Any motor vehicle that is at least 25 years old or was manufactured to resemble a vehicle 25 or more years old and has been altered from the manufacturer's original design; or has a body constructed from non-original materials.

Junked Vehicle - A vehicle that is inoperable and has an expired registration, or is wrecked, dismantled or partially dismantled, or discarded, and has remained inoperable for more than 45 consecutive days

Motor Vehicle - A motor vehicle subject to registration under Texas statutes or a motorboat, outboard motor, or vessel subject to registration under Chapter 31 of the Texas Parks and Wildlife Code.

Special Interest Vehicle - A motor vehicle of any age that has not been changed from original manufacturer's specification and, because of its historic interest, is being preserved by a hobbyist.

Street Rod - A 1948 or older vehicle or a vehicle manufactured after 1948 to resemble a vehicle manufactured before 1949, and has been altered from the manufacturer's original design, or has a body constructed from non-original materials.

- (c) The City or its designated representative may take into custody an abandoned motor vehicle found on public or private property. In such case, the City shall comply with all procedures required by law to notify the last known registered owner of the vehicle and all lienholders of record that the vehicle has been taken into custody. If the abandoned motor vehicle is not reclaimed, the City may, after proper notice, sell the vehicle at public auction and handle the proceeds as provided by law.
- (d) Alternatively, the City may elect not to sell the abandoned motor vehicle at public auction but, instead, to dispose of the vehicle by removal to a scrap yard or demolisher in accordance with all procedures required by law.
- (e) The provisions of this section shall not apply to
 - (1) A vehicle or vehicle part that 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) Street rods, antique, special interest, and custom vehicles stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they are not unsightly and offensive.
 - (3) A vehicle that is screened from ordinary public view by means of a fence, trees, shrubbery, or other appropriate means, including a custom car cover. All means of screening must be adequately maintained, so that a vehicle or vehicle part will

not be open to ordinary public view. A vehicle or part thereof covered by a tarp does not meet the requisite screening requirement of this article.

(4) A vehicle stored as the property of a member of the armed forces of the United States while on active duty assignment.

(f) This section does not affect any law authorizing the immediate removal of a vehicle left on public property when such vehicle is an obstruction to traffic.

Section 6.205 Vehicles Parked In An Unsightly or Offensive Manner

(a) Regularly parking an excessive number of vehicles at a residence that are not parked in a garage or behind a privacy fence, in a manner that is unsightly and offensive to neighbors, may be a nuisance under this chapter.

(b) Vehicles regularly parked on the grass or lawn of a residence that are not parked behind a privacy fence, in a manner that is unsightly and offensive to neighbors, may be considered a nuisance under this chapter.

(c) Regularly parking an excessive number of vehicles or parking on the grass or lawn shall not be deemed an automatic violation under this section. To uphold a violation under this section it must be demonstrated that the number or location of vehicles is in fact unsightly and offensive to a majority of the neighbors within 150 feet.

(d) It shall be a defense to a citation under this section to show that:

(1) The number of vehicles is required by the number of residents, or

(2) There is no feasible parking alternative that would materially improve the appearance of the parked vehicles.

ARTICLE 6.300 SIGNS

Section 6.301 Generally

Signs shall not be displayed to public view on any lot except that one sign of not more than six square feet may be displayed advertising said property for sale, lease or rent by the developer, builder or owner. Such signs may be displayed only for the time required to sell, lease or rent the property.

Section 6.302 Signs Advertising New Developments

- (a) Signs advertising new developments or subdivisions are permitted at the entrances of said subdivision until 80 percent of the lots are sold. Such signs shall not exceed eight feet by eight feet.
- (b) Off premises directional signs for the purpose of providing traffic directions to new residential developments in the City of Oak Leaf are permitted subject to the following restrictions:
 - (1) No such signs shall exceed six square feet in area and 36 inches in height.
 - (2) Not more than one such sign for every 500 feet along street frontage is allowed for each builder. Not more than five different builder directional signs shall be allowed at any one location, premise or lot.
 - (3) Such signs may be placed on public right-of-way, no closer than three feet from the curb or edge of pavement. Signs placed in front of or along the side of an occupied residence require consent of the property owner prior to posting.
 - (4) No such signs may be erected in excess of a two mile radius of the project or development in which such signs are directing traffic.
 - (5) No such sign shall be placed closer than 25 feet to any street intersection.
 - (6) Such signs shall be free standing, and shall not distract traffic or create a traffic hazard. Balloons or streamers are prohibited.
 - (7) Such signs shall be kept in good condition and may be posted only from Friday at 12:00 noon Central Standard Time until the following Monday at 12:00 noon Central Standard Time. If Friday or Monday is either the 4th of July, Labor Day or Memorial Day holiday, the permitted time shall be extended to include any such holiday.
 - (8) No such sign shall be erected unless a permit therefore is first obtained from the city secretary or designee. The application for a permit shall be accompanied by a nonrefundable permit fee in an amount established by a resolution of the City Council. The permit is valid for one year or until December 31 of the year of issuance whichever occurs first.
 - (9) The City may remove any sign found in violation of this article and shall keep the same for a period of five working days. Thereafter, the City may destroy such signs. The applicant and/or owner, however, may redeem such signs by payment of a redemption fee per sign in an amount established by resolution of the City Council. The city administration may revoke a permit for any sign for three or more violations of this section during any 45 consecutive day period.

Section 6.303 Garage Sale Signs

Temporary, unlighted signs announcing the holding of a sale of household possessions at a place of residence shall be allowed without permit subject to the following restrictions:

- (a) Signs may be placed on public right-of-way, no closer than three feet from the curb or edge of pavement. Signs placed in front of or along the side of an occupied residence require consent of the property owner prior to posting.
- (b) Sign area shall not exceed six square feet and 36 inches in height.
- (c) Signs shall not be posted more than one day prior to the beginning of the sale, and shall be removed within 24 hours following the end of the sale.
- (d) Such signs shall be free standing, and shall not distract traffic or create a traffic hazard. Balloons or streamers are prohibited.
- (e) No more than three signs are allowed per garage sale.

Section 6.304 Political Signs

Temporary, unlighted political signs shall be allowed without permit subject to the following provisions:

- (a) Signs shall be set back ten feet from edge of pavement and located out of the public right-of-way.
- (b) Signs shall be erected no earlier than 30 days prior to the election.
- (c) Signs shall be removed seven days following the election.
- (d) Signs shall not obstruct visibility or traffic.