

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, REPEALING AND REPLACING CHAPTER 92 HEALTH AND SANITATION OF THE CODE OF ORDINANCES; PROVIDING FOR PROCEDURES, PENALTIES, AND REMEDIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pflugerville finds that the protection of public health, safety, and welfare requires local authority to regulate, abate, and prevent public nuisances within the City limits; and

WHEREAS, the City is authorized under Texas Local Government Code Chapters 54 and 217, and Texas Health and Safety Code Chapters 341 and 342, and other applicable law, to define, prohibit, and provide civil and criminal remedies for conditions constituting public nuisances; and

WHEREAS, the City Council finds it necessary and in the best interest of the community to adopt a Public Nuisance Ordinance establishing standards, enforcement procedures, penalties, and abatement processes; and

WHEREAS, the City Council finds the establishment of a clear and enforceable framework will allow Code Compliance, law enforcement, and other designated officials to respond effectively to conditions that endanger public health, obstruct public rights-of-way, create fire hazards, contribute to environmental degradation, or otherwise threaten the comfort or safety of the public.

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

SECTION 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Title IX, Chapter 92 Health and Sanitation of the City of Pflugerville, Texas Code of Ordinances is hereby repealed and replaced as shown in attached Exhibit A.

SECTION 3. Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed to the extent of such conflict.

SECTION 4. That it is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 5. This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED THIS _____ day of _____ 2026

**CITY OF PFLUGERVILLE,
TEXAS**

By: _____
Doug Weiss, Mayor

ATTEST:

TRISTA EVANS/City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, PC

EXHIBIT A

CHAPTER 92 – HEALTH AND SANITATION

ARTICLE I - HIGH WEEDS AND GRASS

Sec. 92.01. High weeds and grass prohibited.

- (1) Any property upon which weeds or grass exceed an average of 8 inches in height is hereby declared to be a nuisance.
- (2) A person commits an offense if the person owns, occupies, or controls any real property upon which weeds or grass exceed an average of 8 inches in height.
- (3) A person commits an offense if the person owns, occupies, or controls any real property and fails to maintain the parkway adjacent to the property free of weeds and grass that exceed an average of 8 inches in height.
- (4) In a prosecution or other enforcement action of subsections (1) or (2) above, it is an exception that the real property was a lot, tract, or parcel of land of two or more acres under common ownership, and the high grass or weeds were no closer than 100 feet to:
 - (a) Any adjacent street; or
 - (b) Any structure or other improvement on any adjacent property owned by another person.
 - (c) The provisions of this section apply to real property located within the city.

Sec. 92.02. High weeds and grass abatement order.

- (1) The city is hereby authorized to give notice to the owner of any property upon which a nuisance under this division exists to abate the nuisance in accordance with the process described in Article III, Section 92.13.

Sec. 92.03. Prosecution for violations.

- (1) An owner violating this article may be punished as provided by Section 92.14 for each day such violation continues after such owner has received personal written notice or citation as described in Article III, Section 92.13 that such condition exists and such owner fails to remedy, correct, or abate such condition on such property within such ten-day period thereafter.

ARTICLE II PUBLIC NUISANCES

Sec. 92.04 Definitions.

When used in this Article, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

- (1) **Accumulated Material.** Means the stockpiling of construction spoils, debris, rubbish, or excavated or placed soil or fill materials in excess of ten cubic yards.
- (2) **Developed Property.** Means a lot, easement or parcel upon which a building, structure, pavement, or other improvements have been constructed.
- (3) **Garbage.** Means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- (4) **Nuisance.** Means:
 - (a) Any public nuisance known at common law or in equity jurisprudence.
 - (b) Any nuisance which may be detrimental to the public, whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for the public.
 - (c) Overcrowding of a dwelling owned, leased, or rented, and to include rooms with occupants.
- (5) **Open Storage.** Means storage of any item(s) or material(s) that is open to the public view, regardless of any sheltering or covering, on public or private property. This storage includes, but is not limited to: metal tanks, glass, furniture, tires, motor vehicle parts, oil containers, old paint containers, trailers without tires, inoperable air conditioning and heating units, inoperable lawn mowing and trimming equipment, building material, building rubbish, appliances, or similar items.
- (6) **Premises.** Means a lot, a plot or parcel of land including the buildings or structures thereon.
- (7) **Refuse.** Means all solid and liquid wastes, except hazardous wastes, whether putrescible or non-putrescible, combustible or noncombustible, organic or inorganic, including, but not limited to wastes and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard clippings, glass, rags, discarded clothes or wearing apparel of any kind or any other discarded object not exceeding three feet in length, width or breadth in accordance with state law.
- (8) **Rubbish.** Means non-putrescible solid wastes of a large size, combustible or noncombustible, including, but not limited to large pieces of wood, large cardboard boxes or

parts, large or heavy yard trimmings, discarded fence posts, crates, vehicle tires, junked or abandoned motor vehicle bodies or parts, damaged and discarded fiberglass and metal boat bodies, scrap metal, bedsprings, water heaters, discarded furniture, wood pallets and all other household good or items, demolition materials, used lumber, broken concrete, broken asphalt, and other discarded or stored objects three or more feet in length, width or breadth in accordance with state law.

(9) Undeveloped Property. Means a lot, easement or property upon which no improvements have been constructed.

Sec. 92.05. Prohibited generally.

It shall be unlawful for any owner of real property within the corporate limits of the city to fail to keep such real property free of any unsightly, unwholesome, unsanitary or dangerous condition, including, but not limited to, the failure of such owner to remove, or cause to be removed from such property, all debris, brush, weeds, garbage not in regulation containers, carrion, rubbish, filth or any other impure, unwholesome, unsightly or unsanitary matter of any nature.

Sec. 92.06. Hazards to health, safety, and welfare.

It shall be unlawful for any owner of real property within the city to fail to keep such property free of sink holes, stagnant water, any unauthorized outdoor privies, or free from any other dangerous, unsightly, unsanitary or unwholesome condition, matter or instrumentality, or to fail to keep such property clear of any condition liable to produce or communicate disease or likely to constitute a hazard to the health, safety or welfare of the inhabitants of the city.

Sec. 92.07. Miscellaneous sanitation nuisances.

(1) A person commits an offense if the person owns or is in control of property that contains a pond, pool, or container holding unwholesome, impure, or offensive water in a public place or that is detrimental to the health of humans.

(2) A person commits an offense if the person owns or is in control of property that contains any drain, ditch, tank, or gutter that is maintained in a public place or that is detrimental to the health of humans.

(3) A person commits an offense if the person owns or is in control of property that has an overflowing septic tank or has sewage leaking from any pipes onto the premises.

(4) A person commits an offense if the person operates or causes the operation of a vehicle or container used to transport garbage, human excreta, or other organic material, when such vehicle or container allows the leaking or spillage of its contents.

(5) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of garbage on the property that is detrimental to the health of humans.

(6) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of any solid waste or recyclables upon the property except in solid waste containers of a type approved by the director of the Department of Environmental Management.

(7) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of solid waste or recyclables upon the property in any leaking or unsecured solid waste containers.

(8) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of materials in a composting pile or bin on such property in a manner that is detrimental to the health of humans.

(9) In a prosecution of subsections (6), (7), or (8), it is an exception that the property was a solid waste facility regulated by the state natural resource conservation commission or was a recycling facility.

Sec. 92.08. Storage of discarded, used, and broken items.

(1) A person commits an offense if the person accumulates or allows the open storage, or accumulation on any property of any:

- (a) Broken, inoperable, or discarded household furnishings, appliances, machines, tools, boxes and cartons, lawn maintenance equipment, play equipment, toys, and similar items;
- (b) Used or discarded building materials;
- (c) Materials or items stored on rooftops or porches of buildings when visible from the public right-of-way or neighboring property;
- (d) Factory or mill wastes;
- (e) Damaged merchandise;
- (f) Wet, broken, or leaking barrels, casks, or boxes;
- (g) Used, discarded, or broken automotive parts or equipment; or
- (h) Any other materials which tend by decay to become putrid or to provide harborage for rodents and other vectors.

(2) It is a defense to prosecution of subsection (a) that the person was engaged in the business of dealing in junk, and was in compliance with the comprehensive zoning ordinance and all other applicable provisions of this Code relating to junk dealers.

Sec. 92.09. Accumulation of carrion, filth, trash, rubbish, or other unwholesome matter.

(1) It shall be unlawful for any person who owns or occupies any house, buildings, establishment, lot, or yard in the city to permit or allow any carrion, filth, trash, rubbish, or other impure or unwholesome matter to accumulate or remain thereon.

(2) The term "rubbish" as that term is used in this article, shall include, but not be limited to, the debris left upon properties after any building or other structure on such properties has been:

- (a) Destroyed by fire or other calamity and the same not restored to its original or better condition or removed from the property within 90 days from the date of such destruction;
- (b) Intentionally wrecked or demolished by the owner;
- (c) Moved from such property to another location; and/or
- (d) Vacated by prior owner or tenant.

Sec. 92.10. Duty to maintain property free from litter.

(1) An owner, occupant, or person in control of private property commits an offense if he or she fails to maintain the property free of litter, unless the litter has been deposited in a trash receptacle that securely contains the litter.

(2) Construction sites within the city and sidewalks, streets, alleys, and public or private properties in the vicinity of the construction sites shall be maintained free of construction trash, litter, and debris that is not securely contained.

- (a) Any applicant for a permit for new residential construction issued by the Building Department shall identify the owner, occupant, or person in control of the property on the permit, by name, who is responsible for maintaining the construction site in a manner that securely contains all construction trash, litter, and debris until a final inspection is delivered or the permit expires.
- (b) A person or owner commits an offense under this section when the individual identified on a permit under subsection (2)(a) fails to maintain the construction site in such a manner as described in this section.

Sec. 92.11. Nuisance abatement order.

(1) The city is hereby authorized to give notice to the owner of any property upon which a nuisance under this division exists to abate the nuisance in accordance with the process described in Article III, Section 92.13.

Sec. 92.12. Prosecution for violations.

(1) An owner violating this article may be punished as provided by Section 92.14 for each day such violation continues after such owner has received personal written notice or citation as described in Article III, Section 92.13 that such condition exists and such owner fails to remedy, correct, or abate such condition on such property within such ten-day period thereafter.

ARTICLE III NOTIFICATION AND VIOLATIONS

Sec. 92.13. Notification.

(1) Whenever any such nuisance is within the City limits in violation of this Chapter, the Building Official or designee shall provide notice describing the nature of the nuisance. Such notice shall:

- (a) Be in writing;
- (b) Specify the nature of the nuisance on private property, public property, or on the public right-of-way, as the case may be, and its location;
- (c) Specify that the nuisance must be abated and removed not later than the tenth day after the date on which the notice was mailed;
- (d) Be personally delivered or mailed by certified mail with a five-day return requested, to:
 - (i) The last known registered owner of the nuisance;
 - (ii) Each lien holder of record of the nuisance; and
 - (iii) The owner or occupant of:
 - (1) The property on which the nuisance is located; or
 - (2) The property adjacent to the right-of-way, if the nuisance is located on a public right-of-way, or;
- (e) By posting an advisory notice on the door, or attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(2) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, may be hand delivered. Action

to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of posting or hand delivering of the notice.

(3) In the event any notice mailed is returned undelivered or undeliverable, legal action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return of the notice.

(4) Notice will be deemed to have been received:

(a) For personal service, as of the date the notice was given personally to the owner/occupant;

(b) For mailed notice, three days after it was mailed;

(c) For notice by posting, ten days after notice was posted.

Sec. 92.14. Hearing request.

In the event that a party listed under Section 92.13 desires the hearing provided for in this Article, the party shall, within ten days of the date the notice provided pursuant to Section 92.13 is mailed or hand-delivered, present such a request in writing to the Judge of the Municipal Court. Following such appeal, the Judge shall set a date, time, and place for the hearing not earlier than the eleventh day after the date of service of the notice.

Sec. 92.15. Conduct of hearing.

When a hearing is requested pursuant to Section 92.14:

(1) Such hearing shall not be held earlier than the 11th day after the date of the service of the notice provided pursuant to Section 92.13.

(2) The Judge of the Municipal Court shall conduct the hearing and shall determine whether the party is in violation of this Article.

(3) At the hearing, the nuisance is presumed to exist or to have occurred, unless demonstrated otherwise by the owner.

(4) Upon finding that such party is in violation of this Article, the Judge of the Municipal Court shall order such party to remove and abate the nuisances within a specified time.

Sec 92.16. Violations

(1) A separate offense is committed on each day that a violation exists unabated after the deadline for abatement and removal established by 92.13(1)(c). Any person violating this provision will be fined not less than \$10.00 nor more than \$2,000.00 per offense unless otherwise limited by applicable laws.

(2) The provisions for remedying violations of this chapter are in addition to other applicable remedies, including an action for an injunction or abatement by the City and assessment of a lien in accordance with Texas Health and Safety Code § 342.007 as may be amended.