

ORDINANCE NO. O-09-07

**PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE
OF THE CITY OF NIXON, TEXAS
(Amendment #5-Mobile Homes)**

Age Restrictions on New Placement of Mobile/Manufactured Homes

AN AMENDMENT TO AN EXISTING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ENACTING REGULATIONS FOR THE PLACEMENT AND AGE RESTRICTIONS OF MOBILE/MANUFACTURED HOMES WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION AND PROVIDING FOR REPEAL OF ANY ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, it has come to the attention of the City Council of the City of Nixon, Texas that it is necessary and reasonable for the City to include an amendment to a previously ordained regulation pursuant to ordinance number O-09-07 concerning development regulations within the City and that the present and future uses of property are such that it is reasonably necessary for the existing regulations to be amended by including an amendment to said regulations in order to promote and preserve the health, safety, morals, and general welfare of the community; and

WHEREAS, regulations to meet the demands of Mobile/Manufactured Homes and Mobile/Manufactured Home Parks currently do not exist OR are outdated and in need of revision for the City of Nixon, Texas and said regulations are necessary to promote and preserve the health, safety, morals and general welfare of the community.

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

THAT the attached amendment #5 to Ordinance No. O-09-07 shall constitute as an amendment to current City of Nixon platting and subdivision development regulations as they relate specifically to Mobile Homes and Mobile Home Parks, subject to future amendment, and said amendment and the original Ordinance No. O-09-07 shall govern the uses of property within the City:

CITY OF NIXON
AMENDED AND REVISED
PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE

Amendment #5-Mobile Homes
(Section 2., paragraph a.):
Age Restrictions on New Placement of Mobile/Manufactured Homes

V. Now, Be It Ordained by the City Council of the City of Nixon, Texas:

2. Mobile/Manufactured Home Requirements.

a. For all mobile/manufactured homes, not already existing within the City limits as of the date of passage of this Amendment number 5, ALL mobile/manufactured homes to be installed and/or placed on any lot within the City Limits or on any property that the City maintains extra territorial jurisdiction, after the date of the passage of this ordinance, the registered year of construction, of said proposed mobile/manufactured home, must be 10 years from the date of manufacture, or newer. The date of manufacture shall be calculated pursuant to the mobile/manufactured home's certificate of title and the date of manufacture listed on said certificate of title.

VI. Ordinance Review and Update

The City of Nixon shall review and update this Ordinance including possible adjustments of fines, fees and costs, as appropriate or as any other new or updated information becomes available, but at a minimum of every five (5) years.

Amendment Applicability.

Any Section or subsection specifically described in this Amendment #5 shall take the place of any Ordinance provision in any prior version, amended or non-amended, in effect prior to the date of passage of this Amendment #5. Any section, subsection, provision or regulation not specifically addressed in this Amendment #5 shall remain in full force and effect as previously ordained. In addition, any and all amendments made pursuant to this Amendment #5 shall not apply to any existing and operational Mobile/Manufactured Home or Mobile/Manufactured Home Park. These amendments shall apply to any and all

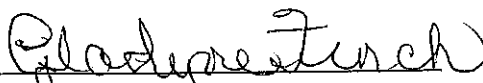
site development plans submitted to the City of Nixon, for approval, after the date of passage of this Amendment #5.

VII. Publication of Caption

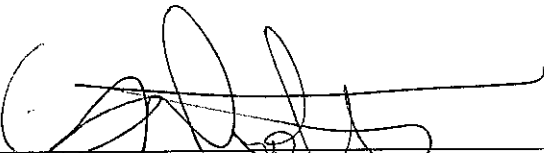
The provisions contained in this Amended Ordinance shall be effective from and after the date of publication of the caption of same in the official City newspaper, in accordance with Texas law.

PASSED AND APPROVED on this 12th day of December 2016.

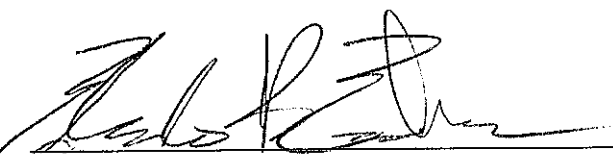
CITY OF NIXON, TEXAS

By: 
Gladys Finch, Mayor

ATTEST:


Gina Trotter, City Secretary

APPROVED AS TO FORM:


Eduardo "Eddie" Escobar, City Attorney

CITY OF NIXON
AMENDED AND REVISED
PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE

Amendment #4-Mobile Homes
Plans & City Maintained Infrastructure Improvements

Site development: Plans for Mobile Home Parks.

- (a) An engineered site development plan, signed and sealed, shall be prepared and submitted to the City Administrator to be forwarded to the City's Engineer and/or any other professional the City Administrator deems necessary, for review and approval. No construction may commence on the proposed Mobile Home Park development, until the City Engineer has approved and provided findings on said plans in relation to the site development plan and the demand said plan will impose on existing City infrastructure. In addition, any site development plan must comply with any and all City Ordinances existing at the time of this amendment or ordained in the future, regulating the use and/or management of property located in a flood plain area. Any and all plans submitted for review must include the requirements for site plans contained in this ordinance or any subsequent amendment. The City Engineer shall provide an approval or denial of said site development plan within twenty-one (21) days from the date of receipt of said plans by the City Administrator.
- (b) **Professional Review Costs:** Any and all individuals and/or entities submitting a site development plan for review pursuant to this ordinance shall be responsible for the cost of review of said plan(s) by professionals and/or City employees. Professional rates including but not limited to Engineers, Accountants and Attorneys shall be at a rate of One Hundred-Five Dollars (\$105.00) per hour. Rates for any City employees deemed necessary by the City Administrator for the review of site development plans shall be at a rate of Fifty Dollars (\$50.00) per hour.

An "upfront payment" for professional review costs shall be determined by the City Administrator pursuant to estimates provided to the City Administrator by the necessary professionals. All funds paid by individuals or entities for

professional review shall be placed in a specific professional review trust account by the City Administrator for the payment of professionals. A final accounting shall be provided at the completion of the professional review showing the actual cost for professionals to review the submitted site development plan. Should there be a balance remaining of unused funds from the "upfront payment" made by the individual submitting the Site development plan, said balance shall be reimbursed along with the final accounting within fifteen (15) days from the conclusion of the site development plan review. Should there be a balance owing to the City for the payment of professionals after utilizing the "upfront payment"; a bill shall be submitted to the individual submitting the site development plan along with the final accounting within fifteen (15) days from the conclusion of the site development plan review. Full and final payment for any amounts due to the City pursuant to the final accounting is due within thirty (30) days from the date said final accounting was provided to the individual or entity who submitted a site development plan for review. In the event that any sums due and owing to the City under this section are not paid by the individual or entity owing said sums, the City Administrator shall have the full authority to revoke, suspend and/or deny the necessary Mobile Home Park License pursuant to this ordinance.

- (c) **City Infrastructure Improvements:** After professional review of the site development plan, if it is determined by the City's professionals that City maintained infrastructure improvements will be necessary to sustain the proposed demands of the proposed site development plan, costs associated with any necessary City infrastructure improvements shall be the responsibility of the site plan developer up to the development property line, and shall not be the responsibility of the City. In addition, any necessary easements for City utilities that the City professionals deem necessary on or through the site developer's property, for any said infrastructure improvements, shall be provided by the site developer to the City at an annual cost of \$0.00.
- (d) **Appeals:** Should any individual and/or entity wish to appeal any notice received under this amendment or this ordinance, said individual and/or entity shall follow the procedures outlined in the City's existing Subdivision Ordinance regarding appeals.

Drainage.

The ground surface in all parts of the Mobile Home Park shall be graded and designed to drain all storm water, surface water in a safe, efficient manner. Drainage analysis and study shall be performed by a licensed professional engineer. Any easements for the conveyance of surface water off-site shall be obtained, if necessary at an annual cost of \$0.00 to the City. In addition, as mentioned above in this amended ordinance, any site development plan must comply with any and all City Ordinances existing at the time of this amendment or ordained in the future, regulating the use and/or management of property located in a flood plain area.

Water supply.

Each site within a Mobile Home park shall be provided with a connection to the city water supply if available. If city water supply is not available then a permit or written approval from the Texas Commission on Environmental Quality (TCEQ), the Gonzales County Groundwater Conservation District, and/or the Wilson County Groundwater Conservation District shall be obtained to install a well. The city must approve all proposed water facility plans prior to construction. The water distribution system shall be installed as follows:

- 1) The water supply system, fixtures and other equipment must be installed in accordance with applicable codes adopted by the city. This includes any and all water and wastewater service fees as regulated by City Ordinance and subject to amendment by the City Council. Any necessary water and wastewater service fees in place at the time of the requested service will be the rate that the site developer shall pay for said City services.
- 2) A master water meter shall be installed to serve the Mobile Home Park. Sub-metering or re-metering of Park sites is permitted. Any and all water rates to be applied to the Parks shall be regulated by separate City Ordinance which is revised from time to time to reflect a competitive rate in providing said services. Water rates shall be calculated pursuant to meter size and a service unit (SU) conversion table as maintained at City Hall. Any and all water rates in place at the time of the requested service, subject to recalculation utilizing a

SU conversion table, will be the rate that the site developer shall pay for said water.

Waste Water Facilities.

Each site within the Mobile Home Park shall be provided with a connection for wastewater if available and shall be subject to any and all water or wastewater service fees approved by the City. This includes any and all water and wastewater service fees as regulated by City Ordinance and subject to amendment by the City Council. Any necessary water and wastewater service fees in place at the time of the requested service will be the rate that the site developer shall pay for said City services. If city wastewater is not available, then a permit or written approval from the Texas Commission on Environmental Quality (TCEQ), Gonzales County and Wilson County shall be obtained prior to placement of an on-site sewage facility. All proposed wastewater service lines shall be connected to the city wastewater system if available.

Amendment Applicability.

Any Section or subsection specifically described in this Amendment #4 shall take the place of any Ordinance provision in any prior version, amended or non-amended, in effect prior to the date of passage of this Amendment #4. Any section, subsection, provision or regulation not specifically addressed in this Amendment #4 shall remain in full force and effect as previously ordained. In addition, any and all amendments made pursuant to this Amendment #4 shall not apply to any existing and operational Mobile Home Park. These amendments shall apply to any and all site development plans submitted to the City of Nixon, for approval, after the date of passage of this Amendment #4.

Ordinance Applicability

This Ordinance and all Amendments shall apply to any and all Mobile Home Parks located within the City limits, within the City's Extra-Territorial Jurisdiction (ETJ), and/or Parks not within the City Limits or in the ETJ but utilizing City utilities.

PASSED AND APPROVED on this 25 day of April 2011.

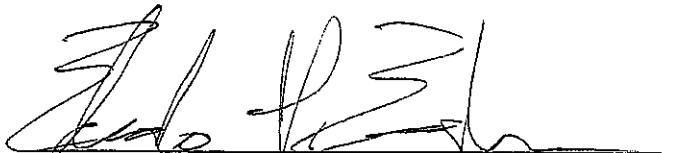
CITY OF NIXON, TEXAS

By: _____
Bonnie Chessher, Mayor

ATTEST:

Tanya Torres, City Secretary

APPROVED AS TO FORM:



Eduardo "Eddie" Escobar, City Attorney

ORDINANCE NO. O-09-07

**PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE
OF THE CITY OF NIXON, TEXAS (Amendment #2-Mobile Homes)**

AN AMENDMENT TO AN EXISTING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ENACTING REGULATIONS FOR THE PLATTING AND DEVELOPING OF SUBDIVISIONS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION, PROVIDING FOR REPEAL OF ANY ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR ENFORCEMENT OF THE PROVISIONS THEREOF.

WHEREAS, it has come to the attention of the City Council of the City of Nixon, Texas that it is necessary and reasonable for the City to include an amendment to a previously ordained regulation pursuant to ordinance number O-09-07 concerning platting and subdivision development regulations within the City and that the present and future uses of property are such that it is reasonably necessary for the existing regulations to be amended by including an amendment to said regulations in order to promote and preserve the health, safety, morals, and general welfare of the community; and

WHEREAS, regulations for the placement of mobile homes currently exist for the City of Nixon, Texas and said regulations are necessary to promote and preserve the health, safety, morals and general welfare of the community; and

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

THAT the attached amendment to Ordinance No. O-09-07 shall constitute as an amendment to current City of Nixon platting and subdivision development regulations, subject to future amendment, and said addendum and the original Ordinance No. O-09-07 shall govern the uses of property within the City:

CITY OF NIXON
AMENDED AND REVISED
PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE

(Amendment #2-Mobile Homes)

V. Now, Be It Ordained and Amended by
the City Council of the City of Nixon, Texas
(Section 2., paragraph b.):

2. Mobile/Manufactured Home Requirements.

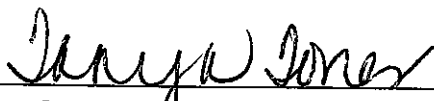
b. For all mobile/manufactured homes not already existing within the City limits as of the date of passage of this Amendment number 1, ALL mobile/manufactured homes to be installed on any lot within the City Limits or on any property that the City maintains extra territorial jurisdiction, after the date of the passage of this ordinance shall be located on a city lot and no more than one mobile/manufactured home shall be allowed per city lot. It is not necessary that the front entrance of the mobile/manufactured home face the existing City maintained street or road, if one exists.

PASSED AND APPROVED on this 28th day of March 2011.

CITY OF NIXON, TEXAS

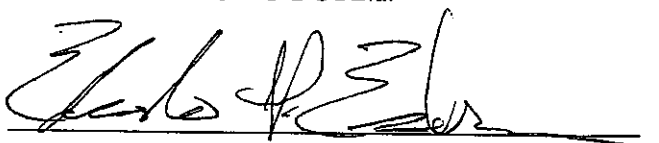
By: 
Mayor/ Mayor Pro Tem

ATTEST:



City Secretary

APPROVED AS TO FORM:



Eduardo "Eddie" Escobar, City Attorney

ORDINANCE NO. O-09-07

**PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE
OF THE CITY OF NIXON, TEXAS
Amendment #4-Mobile Homes
Plans & City Maintained Infrastructure Improvements**

AN AMENDMENT TO AN EXISTING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ENACTING REGULATIONS FOR THE PLATTING AND DEVELOPING OF SUBDIVISIONS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION, PROVIDING FOR REPEAL OF ANY ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR ENFORCEMENT OF THE PROVISIONS THEREOF.

WHEREAS, it has come to the attention of the City Council of the City of Nixon, Texas that it is necessary and reasonable for the City to include an amendment to a previously ordained regulation pursuant to ordinance number O-09-07 concerning platting and subdivision development regulations within the City and that the present and future uses of property are such that it is reasonably necessary for the existing regulations to be amended by including an amendment to said regulations in order to promote and preserve the health, safety, morals, and general welfare of the community; and

WHEREAS, regulations for necessary City maintained infrastructure improvements to meet the demands of Mobile/Manufactured Home Parks currently do not exist for the City of Nixon, Texas and said regulations are necessary to promote and preserve the health, safety, morals and general welfare of the community; and

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

THAT the attached amendment to Ordinance No. O-09-07 shall constitute as an amendment to current City of Nixon platting and subdivision development regulations as they relate specifically to Mobile Home Parks, subject to future amendment, and said amendment and the original Ordinance No. O-09-07 shall govern the uses of property within the City:

ORDINANCE NO. O-09-07

**PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE
OF THE CITY OF NIXON, TEXAS (Amendment #1-Mobile Homes)**

AN AMENDMENT TO AN EXISTING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS ENACTING REGULATIONS FOR THE PLATTING AND DEVELOPING OF SUBDIVISIONS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION, PROVIDING FOR REPEAL OF ANY ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR ENFORCEMENT OF THE PROVISIONS THEREOF.

WHEREAS, it has come to the attention of the City Council of the City of Nixon, Texas that it is necessary and reasonable for the City to include an amendment to a previously ordained regulation pursuant to ordinance number O-09-07 concerning platting and subdivision development regulations within the City and that the present and future uses of property are such that it is reasonably necessary for the existing regulations to be amended by including an amendment to said regulations in order to promote and preserve the health, safety, morals, and general welfare of the community;

WHEREAS, regulations for the placement, age, condition and accessories of mobile homes and mobile home parks currently do not exist for the City of Nixon, Texas and said type of regulations are necessary to promote and preserve the health, safety, morals and general welfare of the community; and

WHEREAS, with regards to the enforcement of the existing regulations and its amendments, no fine schedule exists for the prosecution of misdemeanors pursuant to violations of the existing ordinance, nor does a code enforcement officer have the authority to issue citations for said violations or for the abatement of public nuisances because of conditions that threaten the health, safety and general welfare of the community. The City Council deems it necessary to amend existing ordinance O-09-07 in order to grant the City's Code Enforcement officer these necessary powers;

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

THAT the attached amendment to Ordinance No. O-09-07 shall constitute as an amendment to current City of Nixon platting and subdivision development regulations, subject to future amendment, and said addendum and the original Ordinance No. O-09-07 shall govern the uses of property within the City:

**CITY OF NIXON
AMENDED AND REVISED
PLATTING AND DEVELOPING OF SUBDIVISION ORDINANCE**

(Amendment #1-Mobile Homes)

I. Purpose and Policy

It is the purpose of this Amended and Revised Ordinance and City of Nixon (City) policy to comply with all applicable State and Federal laws. This Ordinance contains provisions to regulate the placement, age, condition and accessories of mobile homes and mobile home park communities on property within the City; providing for abatement by the City and assessment of expenses as a lien on the property; and amending the enforcement provision of Article I, section 5 of the current ordinance establishing fines, designating the City's Code Enforcement Officer as the individual responsible for the issuance of citations for violations and establishing the Court of Jurisdiction for said offenses. This amended and revised ordinance will supersede the original ordinance numbered O-09-07 passed and approved on August 27th, 2007 by the City of Nixon, Texas. This Ordinance, as amended and revised, is ordained pursuant to Chapter 342 of the Texas Health & Safety Code which authorizes cities to regulate unhealthy and unsanitary conditions within the limits of the municipality.

II. Compliance with Amended and Revised Ordinance Required

The City of Nixon and any person, who is a current resident with superior access and/or control to property OR owns property but is not a resident within the corporate city limits of Nixon, Gonzales County, Texas or within its jurisdiction, shall be required to comply with this ordinance and be subject to the fees, penalties and fines as set forth below, unless it is determined that an exception applies.

III. Scope

This Ordinance sets forth uniform requirements to be met by The City of Nixon, Texas and current citizens, residents and/or property owners within the corporate city limits of Nixon, Gonzales County, Texas or within its jurisdiction. This Ordinance is written to enable the City and its citizens to comply with and enforce all applicable state and federal laws, if any, pertaining to the regulation of the placement, age, condition and accessories of mobile homes and mobile home park communities on property within the City; providing for abatement by the City and assessment of expenses as lien on the property; and amending the enforcement provision of Article I,

section 5 of the current ordinance establishing fines, designating the City's Code Enforcement Officer as the individual responsible for the issuance of citations for violations and establishing the Court of Jurisdiction for said offenses

IV. Jurisdiction

This Ordinance shall be given full force and effect inside the corporate limits of the City and within those unincorporated areas located outside of the corporate limits of the City but within their extraterritorial jurisdiction. Except as otherwise provided, the City shall be responsible for the implementation, administration and enforcement of this Ordinance and any violation of this Ordinance shall be prosecuted in the Court of Jurisdiction for the City of Nixon, Texas which has been determined to be Nixon Municipal Court.

V. Now, Be It Ordained by the City Council of the City of Nixon, Texas:

1. Definitions.

a. *Manufactured Home* – A structure, constructed that meets the National Manufactured Home Construction and Safety Standards Act as administered by the United States Department of Housing and Urban Development. The term does not include mobile homes as defined in this section.

b. *Mobile Home* – A structure that was constructed and is transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. This term does not include manufactured homes as defined in this section.

c. *Mobile/Manufactured Home Park* – A tract of land not less than five acres in size under single ownership, which is designed and improved to contain two or more spaces available for long term lease or rent to the public for the placement of manufactured homes and/or mobile homes, and which may include private streets, buildings, and other facilities and services for common use by the residents, in conformance with the regulations and Ordinances of the City; **OR** three adjoining City of Nixon lots that are under single ownership that each have mobile/manufactured homes placed on said lots. If placement of mobile/manufactured homes were not existing on three adjoining City lots as of the date of the passage of this ordinance, and a landowner wishes to place these types of

structures on three adjoining lots, it must first be approved by the City Planning and Zoning Commission before being designated as a park pursuant to this Ordinance.

2. **Mobile/Manufactured Home Requirements.**

a. For all mobile/manufactured homes not already existing within the City limits as of the date of passage of this Amendment number 1, ALL mobile/manufactured homes to be installed on any lot within the City Limits or on any property that the City maintains extra territorial jurisdiction, after the date of the passage of this ordinance, the registered year of said proposed mobile/manufactured home must be of the year 1990 or newer;

b. For all mobile/manufactured homes not already existing within the City limits as of the date of passage of this Amendment number 1, ALL mobile/manufactured homes to be installed on any lot within the City Limits or on any property that the City maintains extra territorial jurisdiction, after the date of the passage of this ordinance shall be located on a city lot and no more than one mobile/manufactured home shall be allowed per city lot. In addition, the front entrance of the mobile/manufactured home shall face the existing City maintained street or road, if one exists;

c. All mobile/manufactured homes, regardless of whether or not they were existing and installed within the City limits or on any property that the City maintains extra territorial jurisdiction, as of the date of the passage of this Amendment number 1 shall:

i. Maintain skirting around the undercarriage of the mobile/manufactured home that shall consist of a metal material and shall be painted;

ii. Maintain a minimal porch/deck with steps leading to the main entrance to said mobile/manufactured homes which shall assist with ingress and egress to the mobile/manufactured home;

iii. Maintain appropriate lighting so the home number/lot number can be clearly visible to emergency response personnel; and

iv. Be maintained, erected and/or installed subject to the approval of the City of Nixon's Code Enforcement official and the City of Nixon's Fire Marshall and shall continue to be maintained in a condition that is in

accordance to the City's applicable fire and building/construction codes, this ordinance and the City of Nixon's Zoning Ordinance O-08-11-10.

3. **Notice to Cure Violations and Abatement.**

- a. The City's Code Enforcement Official, City Administrator, Fire Chief, Chief of Police, deputy Sheriff, and/or City Health Officer (if one exists) shall each have the power to declare when a mobile/manufactured home, because of its condition, shall constitute a health or fire hazard, or both, to summarily abate same, or have same abated, using City Fire Fighters, City Police Officers and/or City Employees.
- b. The City's Code Enforcement Official shall notify the owner and/or agent of any premises within the City which is in violation of this ordinance, to correct such hazard or violation within ten (10) days from the date of said notice. The notice must be given:
 - i. Personally to the owner in writing; and
 - ii. By letter addressed to the owner at the owner's post office address by certified mail; or
 - iii. If personal service cannot be obtained or the owner's post office address is unknown:
 1. By publication at least twice within ten (10) consecutive days;
OR
 2. By posting the notice on or near the front door of each building on the property to which the violation relates.
- c. If the owner and/or agent of the property does not comply with the requirements of this ordinance within ten (10) days of the date of notice of violation, the City's Code Enforcement Official may, under implied consent for the failure to cure the violation:
 - i. Do the work necessary to abate the unsafe or unhealthy condition or make the improvements required; and
 - ii. Pay for the work done or improvements made and charge the expenses to the owner and/or agent of the property. Expenses and

costs for abatement will be calculated at \$15.00 per hour per City Employee utilized for the necessary abatement. The City will also bill the owner of the property and/or the owner's agent, \$25.00 per hour, per piece of equipment used for the necessary abatement. In addition, to charges for all work performed in the field, the total charge assessed shall include an additional cost of not less than \$250.00 representing administrative and consultant costs. The total amount of the charges provided herein shall be levied, assessed, and collected by the City Administrator/Manager and are payable at Nixon City Hall (100 W. Third Street, Nixon, Texas 78140), and if any owner and/or agent of the property shall fail to pay such charges so assessed within ten (10) calendar days after proper notice of said charges, the authorized official will file, with the County Clerk of Gonzales County, Texas, a statement by the City Administrator/Manager setting out the expenses that the City has incurred, including costs associated with said filing with the Clerk, pursuant to the provisions of this section. The City shall thereby perfect a privileged lien on the property involved, second only to tax liens and liens for street improvement, to secure the expense to the City, together with ten (10) percent (%) per annum interest from the date such payment is due. The lien statement shall state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the County Clerk of Gonzales County, Texas.

- d. The City's Code Enforcement Official shall give the notice of a violation to the owner or agent by certified mail, return receipt requested, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first (1st) anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property if not paid as set forth above. If a violation covered by a notice under this section occurs within a one (1) year period, and the City has not been informed in writing by the owner of an ownership change, then the City without notice, may take any action permitted herein and assess its expenses as provided by this ordinance.
- e. The City's Code Enforcement Official may abate, without notice, any violation of this ordinance that poses an *immediate danger* to the health, life, or safety of any person. Not later than the tenth (10th) day after the date the City Administrator/Manager abates the mobile/manufactured home site

under this section, he shall give notice to the property owner in the manner set forth above. The notice shall contain:

- i. An identification, which is not required to be a legal description of the property;
 - ii. A description of the violation(s) of the ordinance that occurred on the property;
 - iii. A statement that the City abated the violation; and
 - iv. An explanation of the property owner's right to request an administrative hearing about the municipality's abatement of health and/or safety violation or other violation that posed an immediate danger. The City Administrator/Manager shall conduct an administrative hearing on the abatement under this section if, not later than the thirtieth (30th) day after the date of the abatement, the property owner files with the City a written request for a hearing. An administrative hearing conducted under this section shall be conducted not later than the twelfth (12th) day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the City's abatement. The City Administrator/Manager may assess expenses and create liens under this section as it assesses expenses and creates liens under the preceding sections. A lien created under this section is subject to the same conditions as a lien created under the preceding section.
- f. If abatement is necessary for failure to cure a violation of this ordinance after proper notice or under the provisions above, by a property owner or his/her agent, the City will not be responsible for any damage to the property or any fixtures to said property in furtherance of the abatement. In addition, should the property owner and/or agent whom has unpaid charges for the City's abatement of a condition in violation of this ordinance, attempt to reinstitute City of Nixon utilities associated with the property that was in prior violation, said service may be withheld by the City until all outstanding charges have been paid by the property owner and/or agent responsible for the property.

4. **Enforcement.**

The following provisions are hereby amending the provisions of Article I., Section 5 of the original ordinance which may be found on page 8 of that ordinance.

a. Enforcement of this Ordinance shall be the responsibility of the City of Nixon's Code Enforcement official as this official will have the power and authority to issue citations for any violations of this ordinance.

b. Any and all citations issued by the City's Code Enforcement Official shall be prosecuted by the City Attorney in Nixon Municipal Court.

c. Any and all violations of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine of not less than \$250, but not more \$1,000.00. The amount of the citation shall be determined by the Code Enforcement Official and will be dependent on the severity of the violation and whether any injuries or damages have occurred because of said violation. All fines associated with a citation issued for the violation of this ordinance shall be paid to the Nixon Municipal Court or its designated clerk. The City's Code Enforcement Official need not issue any citation in person to the property owner and/or agent IF said person is not present at the time of the violation. Said citation may be issued and mailed to the alleged violator no later than the tenth (10th) calendar day after said violation occurs.

VI. Ordinance Review and Update

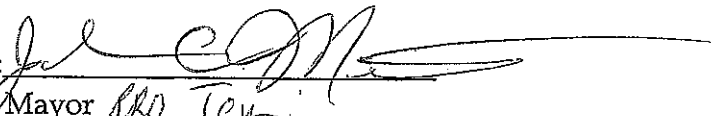
The City of Nixon shall review and update this Ordinance including possible adjustments of fines, fees and costs, as appropriate or as any other new or updated information becomes available, but at a minimum of every five (5) years.

VII. Publication of Caption

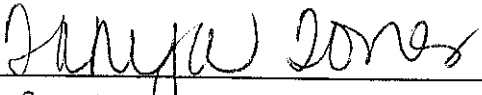
The penal provisions contained in this Ordinance shall be effective from and after the date of publication of the caption of same in the official City newspaper, in accordance with law.

PASSED AND APPROVED on this 13th day of December 2010.

CITY OF NIXON, TEXAS


By: 
Mayor BRO TEN

ATTEST:



City Secretary

APPROVED AS TO FORM:



Eduardo "Eddie" Escobar, City Attorney