

Motion was made by James P. Lout, seconded by Caroline LaVois,  
that the following Ordinance be passed:

NO. 19

AN ORDINANCE BY THE TOWN OF WHISPERING OAKS, TEXAS,  
MAKING UNSHELTERED STORAGE OF NON-OPERATING VEHICLES  
AND OTHER PERSONAL PROPERTY, NON-MAINTENANCE OF  
PRIVATE PROPERTY AND EXTERIOR PARKING OF UNSANITARY  
VEHICLES ON PRIVATE AND PUBLIC PROPERTY, A NUISANCE  
AND UNLAWFUL; DEFINING "NUISANCE"; PROVIDING FOR  
ABATEMENT AND ENFORCEMENT; PROVIDING FOR SAVINGS  
CLAUSE AND PENALTY.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
WHISPERING OAKS, TEXAS:

The following acts are hereby declared to be a  
Nuisance, and it shall be unlawful for any person, firm or  
corporation, in person and by his or its agent, employee and  
servant, to violate same:

I.

STORAGE OF PERSONAL PROPERTY

SECTION 1. UNSHELTERED STORAGE. The unsheltered  
storage of old, unused, stripped, junked, and other automobiles  
not in good and safe operating condition, and of any other  
vehicles, machinery, implements, and/or equipment and personal  
property of any kind which is no longer safely usable for the  
purposes for which it was manufactured, which hereinafter are  
collectively described as "said personalty," for a period of  
ten days or more (except in licensed junk yards) within the  
corporate limits of this Town, is hereby declared to be a  
nuisance and dangerous to the public safety.

SECTION 2. ABATEMENT OF NUISANCE BY OWNERS. The  
owner, owners, tenants, lessees and/or occupants of any lot  
or acreage within the corporate limits of this Town upon which  
such storage is made, and also the owner, owners, and/or  
lessees of said personalty involved in such storage (all of  
whom are hereinafter referred to collectively as "owners"),

shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the Town, or otherwise to remove it to a location without said corporate limits.

SECTION 3. PENALTY FOR FAILURE OF OWNER TO ABATE SUCH NUISANCE. If said owners allow said nuisance to exist or fail to abate said nuisance they, and each of them, upon conviction thereof shall be fined not less than Twenty-Five and No/100 (\$25.00) Dollars, nor more than Five Hundred and No/100 (\$500.00) Dollars, for each offense, and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist.

SECTION 4. ABATEMENT BY TOWN. Whenever said owners fail to abate said nuisance then the Town shall remove the said personalty to a location of its selection, the expenses therefor to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law.

When said personalty has been removed and placed in storage by the Town, as provided for herein, said personalty shall be sold by the Town after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement said owners shall be liable to the Town for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs the balance shall be paid to said owners, or deposited in the Town Treasury for their use.

## II.

### NUISANCES ON PRIVATE PROPERTY

SECTION 1. DEFINITION OF "NUISANCE". "For the purposes of this Section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other

property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

(a) Lumber, junk, trash, or debris;

(b) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, bottles, or containers."

SECTION 2. MAINTENANCE OF PRIVATE PROPERTY. No

person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

SECTION 3. EXTERIOR STORAGE OF NON-OPERATING VEHICLES

PROHIBITED. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discharged or otherwise non-operating motor vehicle to remain on such property longer than ten days; and no person shall leave any such vehicle on any property within the Town for a longer time than ten days; except that this Section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property.

SECTION 4. ENFORCEMENT OF ORDINANCE. Enforcement

of this Ordinance may be accomplished by the Town in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this Ordinance, suffers special damage to himself different from that suffered by other property owners throughout the Town generally, may bring an action in a Court of competent jurisdiction to enjoin or otherwise abate an existing violation.

III.

EXTERIOR STORAGE OF UNSANITARY AND OFFENSIVE  
VEHICLES PROHIBITED

SECTION 1. ON PRIVATE PROPERTY, ACREAGE AND PUBLIC STREETS, ALLEYS, EASEMENTS OR ROADWAYS. That no person in charge of, or in control of a lot, lots, premises or acreage, whether as owner, lessee, tenant, occupant or otherwise, shall allow, park or store any vehicle engaged in the hauling or conveying of garbage and other unsanitary wastes and things that emit unpleasant and offensive odors, on any such property or public streets, alleys, easements and roadways in the Town of Whispering Oaks, for any period of time; except for pick-up of garbage, trash, and other waste materials at stated periods.

IV.

SAVINGS CLAUSE

If any section, sub-section, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid, such unconstitutionality shall not affect the remaining portions of this Ordinance.

V.

PENALTY

That any person, firm or corporation violating any of the provisions of this Ordinance, and the penalty has not beforehand been set out, shall be fined not more than Two Hundred and No/100 (\$200.00) Dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PASSED AND APPROVED this the 2nd day of

March, A. D. 1977.

ATTEST:

Brenda Schmitt  
Town Secretary

James D. Mantel  
Mayor

APPROVED AS TO FORM AND CONTENT:

Geo. B. Darden, Town Attorney