

TOWN OF HOUSTON
Chapter 400 Property Maintenance

Article I-Definitions (Relating to Property Maintenance)
Article II-Brush, Weeds and Grass
Article III-Storage of Detrimental Objects or Materials
Article IV-External Placement of Interior Furniture

ARTICLE I-DEFINITIONS

For the purposes of this Chapter the following definitions shall be applicable unless the context clearly indicates to the contrary:

DETRIMENTAL OBJECTS AND MATERIALS: Shall include but not be limited to old tires, motor vehicle parts or related equipment, rubbish, garbage, trash, organic waste, inorganic waste, household furniture, appliances and other obvious junk or salvage, which can endanger the public safety, fire safety, and/or create an environment for rodent infestation.

KEEP: To store, use or in any way maintain.

NOXIOUS WEEDS: Shall mean and include, but not be limited to, such weeds as Johnson grass, Jimson grass, burdock, ragweed, thistle, cocklebur, White Mustard and Foxtail.

PERSON: Includes an individual, natural person, joint-stock company, partnership, voluntary association, society, club, firm, company, corporation, business, trust, organization or any other group acting as a unit, with a manger, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver or other representative appointed according to law.

PREMISES: Those areas of a structure or yard which are open to the weather.

PUBLIC NUISANCE: The unreasonable interference with the health, safety, peace, comfort or convenience of the general community.

ARTICLE II-BRUSH, WEEDS AND GRASS

PURPOSE

It is the purpose of this article to have all grass cut and maintained to a height of six (6) inches and to eliminate noxious weeds and other vegetation except trees, ornamental flowers and bushes in order to protect the public health, safety and general welfare of the property owners and residents of the Town of Houston.

HEIGHT OF GRASS

It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of any grass more than six (6) inches in height anywhere in the Town of Houston, and the growth of grass higher than six (6) inches is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Houston and a common and public nuisance.

GROWTH OF WEEDS

It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of noxious weeds anywhere in the Town of Houston, and the growth of noxious weeds anywhere in the Town of Houston is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Houston and a common and public nuisance.

MAINTENANCE OF TREES AND OTHER VEGETATION

It shall be unlawful for the owner of any property to permit any tree, bush or other vegetation to overhang any public sidewalk, public street or right-of-way so that its branches obstruct the light from any streetlamp, the view of any street location, the visibility of the passage of pedestrians and vehicles. Trees, bushes and other vegetation shall be trimmed to a clearance height of 10 feet over sidewalks and 14 feet over streets. Said owner shall also remove all dead, diseased or hazardous trees, or broken or decayed limbs, that are detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Houston and a common and public nuisance.

HEIGHT LIMIT OF OTHER VEGETATION

It shall be unlawful for the owner of any property or the tenant of any owner to permit or maintain the growth of any other vegetation more than six (6) inches in height except for trees, flowers or other ornamental plants, and such growth is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Houston and a common and public nuisance.

INVESTIGATION BY TOWN

The Town Council and/or his/her designee of the Town of Houston, upon complaint from two or more residents of the Town of Houston, or upon his or her own observation, shall investigate to determine whether there is a growth of grass, noxious weeds or other vegetation on property located within the corporate limits of the Town of Houston in violation of the provisions of this article.

NOTICE OF VIOLATION

If the Town Council and/or his/her designee, following his or her investigation, determines that there is growth of grass, noxious weeds or other vegetation on property located within the corporate limits of the Town of Houston in violation of the provisions of this article, the Town Council and/or his/her designee shall physically post the property notifying the owner, agent or tenant to have said growth of grass, noxious weeds or other vegetation being maintained on said property in violation of this article cut or otherwise remedied within three (3) calendar days of said posting.

FAILURE TO REMEDY-ACTION BY TOWN

Upon the failure of the property owner or tenant to have said growth of grass, noxious weeds or other vegetation being maintained in violation of the provisions of this article cut or otherwise remedied within three (3) days of the posting, the Town Council and/or his/her designee may proceed to cause said growth of grass, noxious weeds or other vegetation being maintained in violation of this article cut or otherwise remedied at the expense of the owner of said property and, when completed, a bill for the cost thereby incurred as determined by the Town Council in the name of the Town of Houston, as soon as convenient thereafter, be presented to the owner of said property or the tenant of said owner.

FAILURE OF OWNER TO PAY TOWN-COLLECTION BY TOWN

If the bill so presented by the Town Council and/or his/her designee on behalf of the Town of Houston shall not be paid within thirty (30) days following delivery, the Town Council of the Town of Houston may institute an action in the corporate name in any court of competent jurisdiction in the State of Delaware for the collection of the debt to collect the same in a manner now or hereafter provided for the collection of judgments in the State of Delaware or he or she may be proceed by any other method provided in the Charter of the Town of Houston for the collection of debts due the Town of Houston.

NOTICE DEEMED EFFECTIVE FOR THE REMAINDER OF THE YEAR

The owner of any property within the Town of Houston or the tenant of said owner having in any one year received the posted notice pursuant to the provisions of this article shall be deemed to have received notice for the remainder of the year that on the first day of each month commencing January 1 through December 31, both dates inclusive, the Town may, without further notice, cut, destroy and remove at the expense of the owner of said property any growth being maintained on said property in violation of the provisions of this article.

VIOLATIONS AND PENALTIES

Any owner of property or the tenant of any owner violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than \$50 nor more than \$200 or imprisoned for a term of not more 20 days, or both, and shall pay the cost of prosecution. For the purposes of this article, each day or part thereof that a violation continues shall be deemed to be a separate offense.

ADDITIONAL REMEDY

In addition to any other remedy provided for in this article and because the purpose of this article is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Houston, the Town Council and/or his/her designee is hereby authorized to bring an action in any court of competent jurisdiction to enjoin any violation of any provision of this article.

Article III- Storage of Detrimental Objects or Materials

PURPOSE

It is the purpose of this article to eliminate the keeping of detrimental objects and/or materials on premises within the corporate limits of the Town of Houston.

STORAGE OF DETRIMENTAL MATERIALS PROHIBITED

It shall be unlawful for any occupant or owner of any premises within the corporate limits of the Town of Houston to keep, to store, to have stored or permit to be stored on the premises any object or objects or any material of a detrimental nature which is unsuitable for outside storage or use, that would detract from the peace, health, safety or tranquility of the premises whereon it is stored or of the adjoining premises, and the storage of such object or objects is hereby declared to be detrimental to the public health, safety and general welfare of the property owners and residents of the Town of Houston.

INVESTIGATION BY TOWN

The Town Council and/or his/her designee of the Town of Houston, upon complaint from two or more residents of the Town of Houston, or upon his or her own observation, shall investigate to determine whether there is a property owner or tenant is storing or maintaining detrimental

objects or material on premises within the corporate limits of the Town of Houston in violation of the provisions of this article.

NOTICE OF VIOLATION; CONTENTS

If the Town Council and/or his/her designee, following his or her investigation, determines that a property owner or tenant is storing, using or maintaining detrimental objects or materials on property located within the corporate limits of the Town of Houston in violation of the provisions of this article, the Town Council and/or his/her designee shall physically post the property notifying the owner, agent or tenant to have said violation of this article remedied within three (3) days of said posting. Such notice shall contain the following information:

- A. The nature of the complaint
- B. Location of the structure
- C. A statement that the detrimental object or material must be removed within three (3) days following the posting of said property
- D. A statement of penalties for noncompliance with such notice

FAILURE TO REMEDY-ACTION BY TOWN

Upon the failure of the property owner or tenant to have corrected the violation of the provisions of this article remedied within three (3) days of the posting, the Town Council and/or his/her designee may proceed to remove the objects and/or material being maintained in violation of this article or otherwise remedied at the expense of the owner of said property and, when completed, a bill for the cost thereby incurred as determined by the Town Council in the name of the Town of Houston, as soon as convenient thereafter, be presented to the owner of said property or the tenant of said owner.

FAILURE OF OWNER TO PAY TOWN-COLLECTION BY TOWN

If the bill so presented by the Town Council and/or his/her designee on behalf of the Town of Houston shall not be paid within thirty (30) days following delivery, the Town Council of the Town of Houston may institute an action in the corporate name in any court of competent jurisdiction in the State of Delaware for the collection of the debt to collect the same in a manner now or hereafter provided for the collection of judgments in the State of Delaware or he or she may be proceed by any other method provided in the Charter of the Town of Houston for the collection of debts due the Town of Houston.

VIOLATIONS AND PENALTIES

Any owner of property or the tenant of any owner violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than \$50 nor more than \$200 and shall pay the cost of prosecution. For the purposes of this article, each day or part thereof that a violation continues shall be deemed to be a separate offense.

ADDITIONAL REMEDY

In addition to any other remedy provided for in this article and because the purpose of this article is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Houston, the Town Council and/or his/her designee is hereby authorized to bring an action in any court of competent jurisdiction to enjoin any violation of any provision of this article.

ARTICLE IV External Placement of Interior Furniture

PROHIBITED CONDUCT

The owner and/or tenant of a property located within the Town limits of Houston shall not cause or allow the external placement of any interior furniture, including mattresses, not designed or manufactured for exterior use. "External placement" and "exterior use" shall include, but not be limited to, unenclosed porches or decks.

INVESTIGATION BY TOWN

The Town Council and/or his/her designee of the Town of Houston, upon complaint from two or more residents of the Town of Houston, or upon his or her own observation, shall investigate to determine whether there is a property owner or tenant is placing interior furniture externally on premises within the corporate limits of the Town of Houston in violation of the provisions of this article.

NOTICE OF VIOLATION; CONTENTS

If the Town Council and/or his/her designee, following his or her investigation, determines that a property owner or tenant is placing interior furniture externally on premises on property located within the corporate limits of the Town of Houston in violation of the provisions of this article, the Town Council and/or his/her designee shall physically post the property notifying the owner, agent or tenant to have said violation of this article remedied within three (3) days of said posting. Such notice shall contain the following information:

- A. The nature of the complaint
- B. Location of the structure
- C. A statement that the interior furniture placed externally must be removed within three (3) days following the posting of said property
- D. A statement of penalties for noncompliance with such notice

FAILURE TO REMEDY-ACTION BY TOWN

Upon the failure of the property owner or tenant to have corrected the violation of the provisions of this article remedied within three (3) days of the posting, the Town Council and/or his/her designee may proceed to remove the objects being maintained in violation of this article or otherwise remedied at the expense of the owner of said property and, when completed, a bill for the cost thereby incurred as determined by the Town Council in the name of the Town of Houston, as soon as convenient thereafter, be presented to the owner of said property or the tenant of said owner.

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Any owner of property or the tenant of any owner violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in a court of competent jurisdiction shall be fined not less than \$50 nor more than \$200 and shall pay the cost of

prosecution. For the purposes of this article, each day or part thereof that a violation continues shall be deemed to be a separate offense.

ADDITIONAL REMEDY

In addition to any other remedy provided for in this article and because the purpose of this article is to safeguard and protect the public health, safety and general welfare of the property owners and residents of the Town of Houston, the Town Council and/or his/her designee is hereby authorized to bring an action in any court of competent jurisdiction to enjoin any violation of any provision of this article.