

BRENHAM CODE

Sec. 12-21 Storage and/or disposal of junk and garbage on public and private property

(a) *Definitions*: The following definitions shall apply in the interpretation and enforcement of this section:

Construction materials means all waste, refuse, concrete, lumber, rock/brick or materials resulting from construction or demolition projects.

Earth materials means substances such as dirt, sand, gravel, mud, clay, woodchips, limbs, or brush capable of blowing or spilling thereby creating unsightliness and/or creating a hazard for the general public.

Garbage means all decayable waste from public and private establishments and restaurants including vegetable, animal, and fish offal, and animal and fish carcasses. The term does not include sewage, body wastes or industrial by-products.

Junk means all worn out, worthless and discarded material, including odds and ends, refrigerators and freezers without their doors removed, furniture, iron or other metal, glass and cordage.

Litter is garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

(b) *Prohibited acts*. It shall be unlawful for any person to allow or store or deposit or dispose of any inoperative or abandoned, wrecked, junked, partially dismantled motor vehicles, refrigerators, stoves, other debris, garbage, junk, litter, construction materials or earth materials which are detrimental to the health or safety of persons or property (hereafter referred to as "unlawful material") to remain on either private or public premises.

(c) *Notice and hearing*. Upon a determination by a duly authorized officer of the city that the abandoned motor vehicles, refrigerator, stove, other debris, garbage, junk, litter, construction materials or earth material is, the city shall notify the owner of the premises and the owner of the unlawful material that the unlawful material has been determined to constitute a public nuisance and that such person(s) have a right to demand a hearing date to present any contrary evidence within 10 days of the date of such notice.

After the hearing on the determination of such nuisance or after such notice has been given and such ten-day period has expired without receiving a request for a hearing, the city is authorized to enter any premise to remove and dispose of such motor vehicle, refrigerator, stove, other debris, garbage, junk, litter, construction materials or earth materials detrimental to the health or safety of persons or property from the premises on which they are located and to charge the owner of the unlawful material on the premises for the expense of removing same, provided, motor vehicles shall be disposed of in accordance with the Texas Abandoned Motor Vehicle Act.

(d) *Penalty*. The owner of the unlawful material and the owner of the premises who shall have permitted the unlawful material on such private property in violation of this section and such person shall be deemed guilty of creating or maintaining a nuisance, and on conviction thereof, shall be punished as provided in Section 1-5 of this Code.