

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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ANIMAL CONTROL

§ 90.01 VACCINATION REQUIREMENT.

(A) It shall be unlawful for any person to own, keep or harbor any canine or feline over the age of 3 months within the City of Quitman unless it has been vaccinated against rabies by some licensed veterinarian each year. It is further provided herein that every veterinarian who vaccinates any such animal, either male or female within the City of Quitman, Texas shall collect his or her fee for same from the owner of the animal and shall issue a tag of vaccination to the owner, which will show the date of vaccination; tag is to be attached to animal collar or harness at all times.

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(B) If the animal tag is lost or otherwise destroyed, it shall be the duty of the owner or keeper to procure another tag from the veterinarian by paying the value of the tag and all costs that may be accrued as hereinafter provided.

(Ord. 830412, passed 4-12-1983; Am. Ord. passed 7-16-1998) Penalty, see § 10.99

§ 90.02 RUNNING AT LARGE.

It shall be unlawful for the owner, keeper or harbinger of any canine to permit the canine to run at large upon the streets, alleys or any public place within the city limits of the City of Quitman unless the canine be at all times under the control of the owner or person having custody of the canine or a member of the owner's immediate family or the owner's servant or agent, by means of a leash, rope or chain of sufficient strength and length to control the actions of the canine. It is the duty to cause to be taken or impounded all animals of the canine kind loose or at large in violation of the terms of this subchapter.

(Ord. 830412, passed 4-12-1983; Am. Ord. passed 7-16-1998) Penalty, see § 10.99

§ 90.03 IMPOUNDING; REDEMPTION OF ANIMALS.

(A) The city shall provide a pound and equip same for the safekeeping of all animals that may be impounded under the terms of this subchapter, and a qualified person shall be appointed to act as Animal Control Officer and Pound Master, whose compensation shall be that fixed by the City Council of the City of Quitman.

(B) (1) The owner of any animal impounded under the terms of this subchapter shall have the right to redeem the same unless otherwise provided herein upon the payment to the Animal Control Officer or his or her agents a sum, as set forth in division (B)(2) below, for each and every animal which was taken by the Animal Control Officer or his or her agents and \$5 per day, or any fractional part thereof for each and every day the dog shall have been kept in the city pound.

(2) Impoundment fees are as follows:

(a) First offense, \$25;

(b) Second offense, \$35; and

(c) Third offense, \$45.

(C) All impounded animals which shall not have been redeemed within 72 hours after their impoundment may be given to a new owner requesting the same and who pays the impounding fees and otherwise complies with this subchapter. Any animal not so redeemed as above or given to a new owner shall be humanely destroyed.

(Ord. 830412, passed 4-12-1983; Am. Ord. passed 7-16-1998)

§ 90.04 ENFORCEMENT.

It shall be the duty of the Chief of Police to see that the terms of this subchapter are strictly enforced.

(Ord. 830412, passed 4-12-1983; Am. Ord. passed 7-16-1998)

§ 90.05 RABIES.

(A) It shall be the duty of the owner, keeper or harbinger of any animal or any practicing veterinarian to report to the Director of Public Health all cases of rabies with which he or she comes in contact or to which his or her attention has been directed. This report shall be made immediately upon diagnosis or suspicion of such cases of rabies.

(B) The city police, an authorized agent of this city, shall have the right to dispose of any rabid animal or any animal in the streets which shall manifest a disposition to bite.

(C) Every animal that has rabies or symptoms thereof, or any animal that bites, scratches, or otherwise attacks any person within the city limits, in addition to the provisions of § 90.02, shall be immediately and securely confined by the owner, or one having custody, by tying with a chain of good quality for a period of 10 days, subject to inspection from time to time so as to be able to determine whether the animal is affected by rabies; or the animal shall be quarantined and held for a like time in any veterinary hospital approved by the Animal Control Officer, Mayor, or City Health Officer, police officer and their agents, and County Health Officers of Wood County, Texas, or shall be held at the city pound for 10 days without charge to the owner thereof, after which period of time and in the event the animal is determined to be free from rabies, the animal may be returned to its owner or if not claimed by the owner within that time, it shall be humanely destroyed if a new owner is not found to whom it can be given.

(Ord. 830412, passed 4-12-1983; Am. Ord. passed 7-16-1998) Penalty, see § 10.99

LIVESTOCK

§ 90.15 REGISTRATION REQUIREMENT.

(A) Within 10 days after the passage of this subchapter, it will be mandatory for every person, firm, corporation, or anyone who keeps livestock or fowls on any premise located within the city limits of the City of Quitman, to have registered with the City Police Department such livestock or fowls that are to be kept in the city permanently, that is, for any period exceeding 72 hours. After the period set aside as the registration period (the 10 days stipulated in the above wording) no person shall bring into the city limits any livestock or fowls for the purpose of maintaining same in the city without having first applied

for a permit to do so with the official in charge of the program, and complied with all the features of this subchapter.

(B) **HAVING IN POSSESSION** will be construed to mean all livestock or fowls that are owned by any person whether maintained at that person's residence or at any other place that is within the city limits without first qualifying the new place of maintenance by the proper registration and the meeting of the provisions of this subchapter.

(Ord. 810210, passed 2-10-1981)

§ 90.16 PERMIT VIOLATIONS.

(A) If any person maintains the livestock or fowl pens without a valid permit form the city, he or she will be subject to the penalties established in § 90.99, and each day will constitute a separate offense.

(B) The permit will be granted to those applying therefor, and to those qualifying under the terms thereof at the time of the application and registration with the understanding that they are familiar with the provisions of this subchapter; and further, no permit will be granted in full until all of the provisions are met, then and only then, should they be allowed to keep livestock or fowl within the property in question.

(Ord. 810210, passed 2-10-1981) Penalty, see § 10.99

§ 90.17 RUNNING AT LARGE.

It shall be unlawful for the owner, keeper or person in charge of any horse, mule, jack, jenny, cow, cattle, fowl, sheep or goat, or similar animal to allow or permit the same to run at large within the limits of the City of Quitman. Every such animal shall be kept in a stable, shed, pen or other enclosure and every such stable, shed, pen, or other enclosure for such shall be distant at least 200 feet from every adjoining lot in any residential district, as the district may have been duly designated and defined under the zoning ordinance and regulations enacted by the City Council; and every stable shed, pen or other enclosure wherever located within the City of Quitman for keeping of the animals shall be distant at least 100 feet from every building or structure used for sleeping, dining and living, and city water facilities.

(Ord. 810210, passed 2-10-1981) Penalty, see § 10.99

§ 90.18 PROTECTIVE MEASURES AGAINST DISEASE OCCURRING OR RECURRING IN ANIMALS AND FOWLS.

(A) *Horses.* All horses maintained within the city limits must be vaccinated for equine encephalomyelitis and so registered with the Police Department of Quitman. Any new additions of horses to the lot must have their vaccination report on file at the Police Department, or been vaccinated within 12 hours after arrival.

(B) *Cows.*

(1) The following tests are mandatory for all cows kept within the city limits:

- (a) Tuberculin;
- (b) Bangs disease;
- (c) Mastitis; and
- (d) Cowpox.

(2) Any new addition to the herd or the lot must have these tests on file at the Police Department not later than 48 hours after the tests have been completed.

(C) *Fowl.* Caution shall be taken in extreme cleanliness of all fowl yards to keep down bugs and lice, which infect themselves on the skin. All houses, roosts and nests must be treated weekly with an approved germicide in the form of a spray and powder. Care shall be taken to see that all cracks and crevices are thoroughly treated. Immediate attention of infection shall be brought to the Police Department whereby protective measures can be obtained.

(Ord. 810210, passed 2-10-1981) Penalty, see § 10.99

NOISE

§ 90.30 NOISY ANIMALS.

(A) It shall be unlawful for any person to keep any animal or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of ordinary, reasonable persons of normal nervous sensibilities and ordinary tastes, habits or modes of living who reside in the vicinity thereof.

(B) It shall be the duty of the Police Chief and the officers of the city to see that the terms of this section are strictly enforced.

(Ord. 890912, passed 9-12-1989) Penalty, see § 10.99

CHAPTER 91: FIRE PREVENTION AND PROTECTION

Section

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- 91.03 Construction requirements
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FIRE LIMITS

§ 91.01 DESIGNATION OF FIRE LIMITS.

(A) The following shall be and are hereby declared the fire limits of the city:

The west one-half of Block No. 1; all of Block No. 2; The south one-half of Block No. 3; all of Block No. 4; All of Block No. 5; All of Block No. 6, All of Block No. 7; All of Block No. 8; All of Block No. 9; All of Block 10; All of Block 25; All of Block No. 26, All of Block No. 27; and the Court House Square.

(B) A map illustrating these blocks is available from the City Secretary/Administrator.
(1980 Code, § 7.1) (Ord. passed 12-13-1977)

§ 91.02 PERMITS AND INSPECTIONS.

(A) No walls, structure, building or part thereof shall hereafter be built, enlarged or altered, until a plan of the proposed work, together with a statement of materials to be used, shall have been submitted to the City Building Inspector, who shall, if in accordance with the provisions herein contained, issue a written permit in triplicate for the proposed work. Permits will be kept on file with the City Secretary/Administrator.

(B) Structures hereafter erected without a permit, or those not in conformity with this subchapter, shall be removed.

(C) No building shall be moved from without to within the fire limits, nor from one location to another within the fire limits until a permit shall have been issued therefor. No permit shall be issued unless the construction is in accordance with this subchapter.

(D) The designated Building Inspector shall inspect, as often as practical, construction in progress to see that all provisions of this subchapter are being complied with.
(1980 Code, § 7.2) (Ord. passed 12-13-1977)

§ 91.03 CONSTRUCTION REQUIREMENTS.

(A) In the primary fire limits, no building or structure of wooden, ironclad (whether on wood or metal supports), stucco, or veneer type construction, or any building whose walls contain wood supports, shall be permitted except as indicated in § 91.04. No building shall be built, enlarged or altered hereafter except in accordance with this subchapter.

(B) The thickness of walls shall be not less than as given below:

(1) Brick or other solid masonry walls shall not be less than 12 inches thick for the uppermost 35 feet of their height and shall be increased 4 inches for each successive 35 feet or fraction thereof, measured downward from the top of the wall, with the following exceptions:

(a) Small 1-story buildings not exceeding 750 square feet in floor area may be 8 inches in thickness; and

(b) Buildings 9,000 square feet or less in area not exceeding 12 feet in height and with roof construction imparting no lateral (outward) thrust may be 8 inches in thickness.

(2) Reinforced concrete walls may be 3/4 the thickness of brick walls but in no case less than 8 inches.

(3) Hollow masonry walls shall be not less than the thickness required for solid masonry walls.

(4) Filler walls of brick or hollow masonry may be a minimum of 8 inches, provided the walls are supported on reinforced concrete beams and footings and by adequate reinforced concrete or brick columns spaced not more than 16 feet apart.

(5) Solid stone walls shall be 4 inches thicker than brick walls for like construction. All exterior walls (except street side), party walls, and division fire walls shall have parapets extending at least 18 inches above the roof, and the parapets shall be at least 12 inches thick, except where 8-inch walls are permitted as above, in which case parapets may be 8 inches thick.
(1980 Code, § 7.3) (Ord. passed 12-13-1977)

§ 91.04 FRAME BUILDINGS IN FIRE LIMITS.

The following frame structures are permissible in the fire limits:

(A) Temporary 1-story frame buildings for the use of builders; and

(B) Wooden fences not over 8 feet high without roof or cover.
(1980 Code, § 7.4) (Ord. passed 12-13-1977)

§ 91.05 CONSTRUCTION OF ROOFS.

(A) All buildings or structures hereafter constructed in the fire limits shall have incombustible roof coverings.

(B) No roofing on an existing roof shall be renewed or repaired to a greater extent than 10% of the roof surface, except in conformity with this subchapter, and in no instance shall more than 1 permit be issued each existing building in any 1 year.

(1980 Code, § 7.5) (Ord. passed 12-13-1977)

§ 91.06 REPAIRS AND ADDITIONS.

(A) Any existing building within the fire limits which hereafter may be damaged by fire, decay or otherwise, to an amount greater than 50% of its present value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be removed.

(B) Extensions, remodeling or additions to existing buildings shall not be considered as repairs, and shall be permitted only when conforming with § 91.03.

(1980 Code, § 7.6) (Ord. passed 12-13-1977) Penalty, see § 10.99

§ 91.07 ARBITRATION.

(A) Whenever an application for permit to repair any existing building already located within the fire limits is made by any person or firm, and the City Council and the applicant disagree on the extent of repairs to be made, and a permit is denied by the designated Building Inspector, then the City Council shall appoint a competent and disinterested person, and the applicant shall appoint a competent and disinterested person, which 2 persons so appointed shall select a third member, and these 3 persons shall appraise the building, examine the plans of the proposed work, and the statement of materials and labor to be used in the repairing or rebuilding of the building, and make a signed written report of their findings to the City Council.

(B) (1) If the report reflects clearly that the rebuilding or repairing would be a violation of this subchapter, then the application for permit shall be denied by the City Council.

(2) If the report reflects that the person seeking the permit has complied with the subchapter, and the requested rebuilding or repairing is not in violation of the subchapter, then the City Council shall issue a permit for the proposed rebuilding or repairing.

(1980 Code, § 7.7) (Ord. passed 12-13-1977)

§ 91.08 PERMIT FEE.

The building permit fee shall be as set forth in § 33.01.

(1980 Code, § 7.8) (Ord. passed 12-13-1977)

FIRE MARSHAL

§ 91.20 OFFICE ESTABLISHED, SELECTION, APPOINTMENT, SUSPENSION AND REMOVAL

(A) The position of Fire Marshal is hereby established and is responsible for the duties outlined in the following sections.

(B) The City Secretary-Administrator shall select for appointment a candidate or candidates for Fire Marshal. The City Council shall appoint the Fire Marshal from candidates selected by the City Secretary-Administrator.

(C) The City Secretary-Administrator shall be responsible for the direct supervision and management of the Fire Marshal. The City Secretary-Administrator may suspend the Fire Marshall for failure to properly perform any duties outlined in this Code. Such notification shall be in writing and include: explanation or reason for suspension, notice of a time and date of a City Council meeting at which such suspension shall be considered, and designation of an acting Fire Marshal. A suspension shall remain in effect until the City Council shall take action to rescind the suspension or remove the Fire Marshal from that position.

(D) The City Council shall consider removal of the Fire Marshal under suspension at the earliest possible time a quorum of the Council can be gathered at a properly posted meeting. The City Council may consider removal of the Fire Marshal, without current suspension, at anytime upon request of the City Secretary-Administrator.

{Ordinance 090208-01}

§ 91.21 ASSISTANT FIRE MARSHAL(S)

With the approval of the City Secretary-Administrator the Fire Marshal may appoint or remove Assistant Fire Marshals and grant authority to accomplish duties granted him under the authority of this Code.

{Ordinance 090208-01}

§ 91.22 INVESTIGATIONS.

(A) The Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether the fire was the result of carelessness or design. Such investigations shall be begun within 24 hours, not including Sunday, of the occurrence of the fire.

(B) The Fire Marshal shall keep in his or her office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and amount of the loss, which may be determined by the investigation required by this subchapter.

(1980 Code, § 7.22) (Ord. passed 3-10-1948)

§ 91.23 TESTIMONY UNDER OATH.

The Fire Marshal, when in his or her opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing; and if he or she shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with fire, he or she shall cause the person to be lawfully arrested and charged with the offense or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him or her, including a copy of all pertinent and material testimony taken in the case.

(1980 Code, § 7.23) (Ord. passed 3-10-1948)

§ 91.24 POWER TO SUMMON WITNESSES.

The Fire Marshal shall have the power to summon witnesses before him or her to testify in relation to any matter which is by the provisions of this subchapter a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The Fire Marshal is hereby authorized and empowered to administer oaths and affirmations to any person appearing as witness before him or her.

(1980 Code, § 7.24) (Ord. passed 3-10-1948)

§ 91.25 CONTEMPTUOUS CONDUCT.

Any witness who refuses to be sworn, or who refuses to appear or testify, or who disobeys any lawful order of the Fire Marshal, or who fails or refuses to produce any book, paper or document touching any matter under examination, or who is guilty of any contemptuous conduct during any of the proceedings of the Fire Marshal in the matter of the investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation as aforesaid, shall be deemed guilty of a misdemeanor; and it shall be the duty of the Fire Marshal to cause all the offenders to be prosecuted. Any person being convicted of any such demeanor shall be fined as set forth in § 91.99.

(1980 Code, § 7.25) (Ord. passed 3-10-1948) Penalty, see § 10.99

§ 91.26 PRIVACY OF INVESTIGATION.

All investigations held by or under the direction of the Fire Marshal may, in his or her discretion, be private, and persons other than those required to be present may be excluded from the place where the investigations are held and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

(1980 Code, § 7.26) (Ord. passed 3-10-1948)

§ 91.27 AUTHORITY TO ENTER BUILDINGS.

The Fire Marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him or her by the provisions of this subchapter, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion. (1980 Code, § 7.27) (Ord. passed 3-10-1948)

§ 91.28 MONTHLY INSPECTIONS.

(A) The Fire Marshal, upon complaint of any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all building and premises within the city, and it shall be his or her duty, monthly or more often, to enter upon and make or cause to be entered and made a thorough examination of all mercantile, manufacturing and public buildings, together with the premises belonging thereto. Whenever he or she shall find any building or other structure which for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein; and whenever he or she shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind whatsoever, including chimneys, flues and pipes with which the same may be connected, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants, he or she shall order the same to be removed or remedied, and the order shall be forthwith complied with by the owner or occupant of the building or premises. Provided, however, that if the owner or occupant deems himself aggrieved by the order, he or she may, within 5 days, appeal to the Mayor, who shall investigate the cause of the complaint and, unless by his or her authority the order is revoked, the order shall remain in force and be forthwith complied with by the owner or occupant.

(B) At the end of each month the Fire Marshal shall report to the State Fire Marshal all existing hazardous conditions, together with a separate report on each fire in the city during the month. (1980 Code, § 7.28) (Ord. passed 3-10-1948)

Cross-reference:

Examination, inspections, see § 31.03 of this code of ordinances

§ 91.29 FINES.

(A) Any owner or occupant of a building or other structure or premises, who shall keep or maintain the same when, for want of repair, or by reason of age or dilapidated condition, or for any cause, it is

especially liable to fire, and which is so situated as to endanger buildings or property of others, or is especially liable to fire and which is so occupied that fire would endanger other persons or their property therein, shall be punished as set forth in § 10.99.

(B) Any owner or occupant of any building or other structure, or premises, who shall keep or maintain the same with an improper arrangement of a stove, range or furnace, or other heating appliances of any kind whatever, including chimneys, flues and pipes with which the same may be connected, so to be dangerous in the matter of fire, or health, or safety of persons or property of others; or who shall keep or maintain any building, other structure or premises with an improper arrangement of a lighting device or system, or with a storage of explosives, petroleum, gasoline, kerosene, chemicals, vegetable products, ashes, combustibles, inflammable materials, refuse, or with any other condition which shall be dangerous in character to the persons, health or property of others; or which shall be dangerous in the matter of promoting, augmenting or causing fires; or which shall create conditions dangerous to firefighters, or occupants of the building, structure or premises other than the maintainer thereof, shall be punished as set forth in § 10.99.

(1980 Code, § 7.29) (Ord. passed 3-10-1948) Penalty, see § 10.99

§ 91.30 REQUIRED ORDER BEFORE PROSECUTION.

No prosecution shall be brought under § 91.29 until the order provided for in § 91.28 be given, and the party notified shall fail or refuse to comply with the same.

(1980 Code, § 7.30) (Ord. passed 3-10-1948)

§ 91.31 RECOVERING PENALTIES.

The penalties provided for herein shall be recovered by the city in the same manner as provided by law for the enforcement of fines, forfeitures and punishments for offenses against the city.

(1980 Code, § 7.31) (Ord. passed 3-10-1948)

§ 91.32 SEPARATE OFFENSES.

Every day's maintenance of any of the conditions prohibited in any of the foregoing sections shall be a distinct and separate offense.

(1980 Code, § 7.32) (Ord. passed 3-10-1948)

§ 91.33 RECOVERING FINES AND FORFEITURES.

All misdemeanors herein provided for shall be prosecuted, and all fines and forfeitures herein provided for shall be recovered and enforced, in the same manner as provided by law for the enforcement of fines, forfeitures, penalties and punishments for offenses generally against the city.

(1980 Code, § 7.33) (Ord. passed 3-10-1948)

§ 91.34 ARSON REWARD.

The city hereby offers a reward of \$250 for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the city. This reward is a standing offer, and shall be paid out of the General Fund of the city.

(1980 Code, § 7.50) (Ord. passed 4-9-1963)

BURNING GARBAGE

§ 91.45 PROHIBITING BURNING OF TRASH IN CITY LIMITS.

It shall hereafter be unlawful for any person to burn any trash, waste or rubbish within the corporate limits of the city in any street or alley or on any premises adjoining any building or on any vacant lot or parcel of land except as specified in § 91.46.

(1980 Code, § 8.30) (Ord. passed 4-12-1966) Penalty, see § 10.99

§ 91.46 APPROVAL BY FIRE CHIEF OR FIRE MARSHAL.

The Fire Chief or Fire Marshal or his or her representatives may upon request, inspect and approve the burning of trash or waste that is not adaptable to being hauled in the refuse truck. This approval must be obtained prior to burning in each instance.

(1980 Code, § 8.31) (Ord. passed 4-12-1966)

CHAPTER 92: NUISANCES; ENVIRONMENT

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MAINTENANCE OF BUILDING AND LOTS

§ 92.01 STORING OF JUNK AND REFUSE.

The storing of junk, trash and refuse on private property within the City of Quitman, where the storage is not authorized under the terms of this subchapter, being the Quitman zoning ordinance, or in any manner not permitted by said zoning ordinance, is hereby declared a public nuisance. (Ord. 020718, passed 1-15-2004; Am. Ord. passed 12-15-2004) Penalty, see § 10.99

§ 92.02 FLAMMABLE MATERIALS.

It shall be unlawful for any person, firm or corporation to maintain a residential, commercial or industrial lot or tract within the city limits which contains rubbish, brush, trash, garbage, lumber, wood, inoperable vehicles, any unused, discarded or abandoned object, including newspapers, vehicles, refrigerators, stoves, furniture, tires, cans, grass over 12 inches in height, weeds over 12 inches in height or other flammable materials if the condition created by any of the above materials is present in such quantities to create a health hazard or fire hazard.

(Ord. 020718, passed 1-15-2004; Am. Ord. passed 12-15-2004) Penalty, see § 10.99

§ 92.03 TALL WEEDS AND GRASS.

(A) It shall be unlawful for any owner, lessee, occupant or any person in charge of any premises in the city to allow weeds or grass to grow over 12 inches in height upon the premises, excluding Bahaiia unless it is the predominant ground cover, trash or rubbish to accumulate upon the premises to such an extent as is reasonably calculated to create a fire hazard or calculated to become injurious to the health of the citizens of the city, and either act is hereby declared to constitute a public nuisance.

(B) Whenever weeds or grass are allowed to grow, or trash or rubbish allowed to accumulate upon any premises of the city as prohibited by this chapter, the Code Enforcement Officer shall determine whether or not the accumulation of rubbish and trash or the growth of weeds or grass thereon, or both, are sufficient to constitute a nuisance and shall order same removed by the owner, occupant, lessee or person in charge of the premises, with 5 days from the date the notice is given.

(C) Parcels of land commonly referred to as pasture used for grazing livestock or other agricultural use are exempt from this section in so far as limitations of grass or weeds in excess of 12 inches are concerned.

(Ord. 020718, passed 1-15-2004; Am. Ord. passed 12-15-2004) Penalty, see § 10.99

§ 92.04 STAGNANT WATER.

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the city to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

(Ord. 020718, passed 1-15-2004; Am. Ord. passed 12-15-2004) Penalty, see § 10.99

§ 92.05 PUBLIC NUISANCES ENUMERATED.

The following are public nuisances subject to the provisions of this subchapter.

(A) Keeping, storing or accumulating refuse on premises within the city limits, unless the refuse is entirely contained in a closed receptacle;

(B) Keeping, storing or accumulating rubbish or any unused, discarded or abandoned object, including newspapers, vehicles, refrigerators, stoves, furniture, tires and cans on premises within the city limits, unless the rubbish or object is completely enclosed within a building or fenced area and is not visible from public street, public area, or private property under other ownership. Car covers, sheets, tarps and the like are not acceptable covers;

(C) Maintaining premises in a manner that creates an unsanitary condition, likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests;

(D) Allowing high grass and/or weeds to grow on a lot or parcel in a neighborhood in the city limits;

(E) Maintaining any premises in a manner that is unsafe or constitutes a hazard to safety, health or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment; and

(F) Any object, item, situation or condition specifically identified as a public nuisance in any statute or ordinance which the city is responsible for enforcing.

(Ord. 020718, passed 1-15-2004; Am. Ord. passed 12-15-2004) Penalty, see § 10.99

§ 92.06 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABATE. To eliminate a nuisance by removal, repair, rehabilitation or demolition.

DISPOSE. To discharge, deposit, inject, dump, spill, leak, or place junk, garbage, rubbish, refuse or other solid waste into or on land or water.

GARBAGE. All decayable wastes from public and private establishments and restaurants, including vegetable, animal, and fish offal and animal and fish carcasses.

HIGH GRASSES. All varieties of grasses normally cultivated and/or manicured for purposes of ground cover, landscaping, erosion control or forage for domesticated livestock that has grown to a height of more than 12 inches, or regardless of height, may create a fire hazard, an unsanitary condition, or become a harborage for rodents, vermin or other disease-carrying pests.

JUNK. Includes any and all waste matter, whether reusable or not, which is offensive to the public health, safety or welfare of the community, and is specifically intended to include but not limited to worn out, wrecked and/or abandoned, unregistered, un-inspected automobiles, trucks, trailers, campers, lawnmowers, machinery of any kind, any parts thereof, old ice boxes, refrigerators and stoves.

LOT. Any tract of land located with a platted subdivision. This shall include in addition to the land within its boundaries, all land adjacent to and extending beyond the property line to the curb line of adjacent streets, and where no curb exists, to the existing street surface, and all land lying between the property line and the centerline of adjacent alleyways.

PERSON. Any individual, corporation, organization, governmental subdivision or agency, business trust, partnership, association or legal entity.

PREMISES. All privately-owned property, including vacant land or a building designed or used for residential, commercial, business, industrial or religious purposes, together with the yard, ground, walk, driveway, fence, porch, steps or other structure appurtenant to the property.

REFUSE. Anything thrown away or rejected as worthless or useless as waste, trash or rubbish.

RUBBISH. Any material rejected or thrown away as worthless items commonly referred to as trash or refuse.

(Ord. 020718, passed 1-15-2004; Am. Ord. passed 12-15-2004)

ABANDONED ITEMS

§ 92.15 ABANDONED REFRIGERATORS AND/OR AIRTIGHT CONTAINERS.

It shall hereafter be unlawful for any person to place or permit to remain outside of any dwelling, building or other structure, or within any warehouse, storage room or any other area, under such circumstances as to be accessible to children, any abandoned icebox, refrigerator or other airtight or semi-airtight container which has a capacity of 1-1/2 cubic feet or more and an opening of 50 square inches or more and which has a door or lid that has not been removed.

(Ord. 020117, passed 1-17-2002) Penalty, see § 10.99

§ 92.16 ABANDONED VEHICLES; ADOPTING STATE LAW.

This section provides for adopting Tex. Transp. Code Ch. 683, Abandoned Motor Vehicles, as a city ordinance, and provide that when Tex. Transp. Code Ch. 683, Abandoned Motor Vehicles is amended by act of legislature, then this section shall be also amended.

(Ord. 881108, passed 11-8-1988)

PROHIBITING NOISE

§ 92.30 PROHIBITION.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud or raucous noise which:

(A) Is offensive to persons of ordinary sensibility in the vicinity thereof;

(B) Causes material distress, discomfort or injury to persons of ordinary sensibility in the immediate vicinity thereof;

(C) Substantially impairs the peaceful enjoyment of public or private property; or

(D) Substantially interferes with the public peace by disturbing the comfort, tranquility and repose of persons in the vicinity thereof.

(Ord. 920312, passed 3-12-1992) Penalty, see § 10.99

§ 92.31 DECLARATION.

The following acts, among others, are declared to create loud and raucous noises, and shall be deemed a violation of this section, but this enumeration shall not be deemed to be exclusive:

(A) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal in conformity with state law;

(B) The playing of any radio, phonograph, musical instrument or similar device in such manner or with such volume as to disturb the peace, quiet, comfort or repose of persons with ordinary sensibility;

(C) The keeping or harboring of any animal or fowl which emits or makes any loud or raucous noise which by its character, volume or repetition causes material distress or discomfort to persons or ordinary sensibility in the vicinity of the animal or fowl;

(D) The discharge into open air of the exhaust of any steam or internal combustion engine, whether moveable or stationary, except through a muffler or other device which will effectively and efficiently prevent the emission of loud and raucous noises therefrom;

(E) The erection, excavation, demolition, alteration or repair of any building or structure in or adjacent to a residential area or hotel between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and between 8:00 p.m. and 7:00 a.m. on weekends, except in situations involving the interests of public safety, official government business or the protection of the subject property;

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(F) The creation of any loud and raucous noise in a public place adjacent to a church, school, cemetery, court of law or other public building which, by its nature, is reasonably calculated to disrupt, interfere with or disturb the proceedings conducted therein;

(G) The outdoor use of a drum, musical instrument, mechanical loudspeaker or other sound amplification device for the purpose of attracting attention by the creation of noise to any performance show, sales event or display of merchandise so as to attract customers to any place of business;

(H) The outdoor use of a mechanical loudspeaker, calliope, mechanically operated piano, organ, musical instrument or other sound amplification or broadcasting equipment, whether stationary or mobile, emitting sound capable of being heard under the circumstances then existing within 100 feet of a private home, apartment building, hotel or other place of residence;

(I) The demolition, repair or alteration of a motor vehicle or part thereof in connection with which there is produced any loud or raucous noise which causes material distress to inhabitant in the vicinity or which substantially impairs the use or enjoyment of adjacent property; and

(J) The playing of any stereo system, whether stationary or located within a motor vehicle, in such manner or with such volume as to disturb persons within 50 feet of the stereo system or as to substantially impair the use or enjoyment of public or private property.

(Ord. 920312, passed 3-12-1992) Penalty, see § 10.99

§ 92.32 EXCEPTIONS.

The prohibitions contained herein shall not apply to:

(A) An official of federal, state or local government or to members of the armed forces of the United States or the State of Texas engaged in the performance of official duties;

(B) Persons engaged in the present performance or rendition of emergency medical services;

(C) Public parades duly permitted under this code;

(D) The use of outdoor sound amplification for outdoor public speeches, ceremonies, political assemblages or paging purposes conducted at a fixed outdoor location at least 100 feet from a residential district and the sound was not audible beyond the property line of the premises on which it was located;
or

(E) The use of sound amplification, intercom, or paging devices within the interior of a commercial business, church, school, auditorium, convention center, government building or similar public meeting place.

(Ord. 920312, passed 3-12-1992)

§ 92.33 AUTHORITY.

It shall be the duty of the Police Chief and officers of the city to see that the terms of this subchapter are strictly enforced.

(Ord. 920312, passed 3-12-1992)

CHAPTER 93: PARKS AND RECREATION; LIBRARY

Section

General Regulations for City Parks

- 93.01 Park hours
- 93.02 Guidelines for Gov. Hogg City Park
- 93.03 Use and possession of alcoholic beverages in city park
- 93.04 Use of metal detectors in city park prohibited
- 93.05 Cutting of trees, shrubs and flowers, and attaching metal objects to trees and buildings in park; prohibited
- 95.06 Naming of road

Vehicle and Recreational Items; Regulations in Parks

- 93.15 Use of motor or other vehicles in city park
- 93.16 Speed limit in Gov. Hogg city park
- 93.17 Roller skates, rollerblades, skateboards and similar apparatus prohibited in city park

City Library

- 93.30 Creation of public library
- 93.31 Creation of Library Department
- 93.32 Public Library Board
- 93.33 Appointment and duties of Librarian
- 93.34 Operation of library
- 93.35 Financing of library

GENERAL REGULATIONS FOR CITY PARKS

§ 93.01 PARK HOURS.

The normal operating hours that the city park will be open to the public shall be from daylight until 10:00 p.m.

(Ord. 981218, passed 12-17-1998)

§ 93.02 GUIDELINES FOR GOV. HOGG CITY PARK.

(A) Park hours are from daylight until 10:00 p.m.

(Ord. 981218, passed - -)

(B) Alcoholic beverages are prohibited in the park except within an authorized recreational vehicle occupying a leased space or in close proximity thereof.

(Ord. 981224, passed - -)

(C) The city leash law applies to the park.

(Ord. 830412, passed - -)

(D) The city open burning ban applies to the park.

(Ord. 660412, passed - -)

(E) No person may operate or drive any motor or other vehicle off of the Gov. Jim Hogg Parkway in the city park except in the designated RV area or in an area designated for parking.

(Ord. 981223, passed - -)

(F) The park speed limit is 20 miles per hour.

(Ord. 981222, passed - -)

(G) No person may operate a metal detector and/or dig in the park.

(Ord. 9812221, passed - -)

(H) Skateboards, roller skates, roller blades and similar apparatuses are prohibited.

(Ord. 981220, passed - -)

(I) It is unlawful to cut a tree, shrub, flower, and the like in the park or to attach any nail, screw or any other metal object to any trees or buildings in the park.

(Ord. 981219, passed - -)

(J) Pet owners are responsible for removing pet waste.

(K) Horses are allowed only on paved surfaces and the field west of the RV parking grounds.

(L) (1) RV rental fees are set as follows:

(a) \$15 daily.

(b) \$75 weekly.

(c) \$150 for 2 weeks.

(d) \$250 for a month.

(2) RV rental spaces are available for a maximum of 30 consecutive days with an option to renew should space be available.

(M) Tabernacle and pavilion fees are set as follows:

(1) Large tabernacle: \$100 (\$50 each if 2 groups are scheduled).

(2) Picnic pavilion: \$25.

(3) Deposit: \$50 refundable, upon satisfactory clean-up of the facilities and replacement of any moved benches, picnic tables, and the like.

(N) Exceptions may be granted in special circumstances with prior approval of the City Secretary/Administrator – Parks Manager.

Cross-reference:

City leash law, see §§ 90.01 through 90.05

Open burning, see §§ 91.45 and 91.46

Editor's note:

The provisions of this section were presented by an undated, unnumbered document.

§ 93.03 USE AND POSSESSION OF ALCOHOLIC BEVERAGES IN CITY PARK.

It shall hereafter be unlawful to possess or consume any type of alcoholic beverages on the park grounds except within an authorized recreational vehicle occupying a space leased by the City of Quitman or in close proximity thereof.

(Ord. 981224, passed 12-17-1998) Penalty, see § 10.99

§ 93.04 USE OF METAL DETECTORS IN CITY PARK PROHIBITED.

It shall hereafter be unlawful for any person to operate a metal detector and/or dig in the city park. (Ord. 981221, passed 12-17-1998) Penalty, see § 10.99

§ 93.05 CUTTING OF TREES, SHRUBS AND FLOWERS, AND ATTACHING METAL OBJECTS TO THE TREES AND BUILDINGS IN THE PARK; PROHIBITED.

(A) It shall hereafter be unlawful for any person to cut any tree, shrub, flower and the like in the city park, or to attach any nail, screw or any other metal object to any of the trees or buildings in the park.

(B) These provisions shall not apply to persons employed by the city, or those authorized by the City of Quitman for designated park maintenance.

(Ord. 981219, passed 12-17-1998) Penalty, see § 10.99

§ 93.06 NAMING OF ROAD.

The road running from the main park entrance on South Main Street through the park to McAllister Street and heretofore known as Park Road #45 shall hereafter be named Gov. Hogg Pkwy.

(Ord. 981217, passed 12-17-1998)

VEHICLE AND RECREATIONAL ITEMS; REGULATIONS IN PARKS**§ 93.15 USE OF MOTOR OR OTHER VEHICLES IN CITY PARK.**

(A) No person shall operate or drive any motor or other vehicle off of the Gov. Hogg Pkwy. in the city park except in the designated RV area or in an area designated for parking.

(B) These provisions shall not apply to emergency vehicles, any vehicle owned and operated by the City of Quitman, or by companies engaged in customary maintenance, construction or repair functions in the park.

(Ord. 981223, passed 12-17-1998; Am. Ord. 981223, passed 5-15-2003) Penalty, see § 10.99

§ 93.16 SPEED LIMIT IN GOV. HOGG CITY PARK.

It shall hereafter be unlawful for any person to operate or drive any motor or other vehicle within the Gov. Hogg City Park at a speed in excess of 20 miles per hour.

(Ord. 981222, passed 12-17-1998) Penalty, see § 10.99

§ 93.17 ROLLER SKATES, ROLLERBLADES, SKATEBOARDS AND SIMILAR APPARATUS PROHIBITED IN CITY PARK.

It shall hereafter be unlawful for any person to use roller skates, rollerblades, skateboards or any similar apparatus in the city park.

(Ord. 981220, passed 12-17-1998) Penalty, see § 10.99

CITY LIBRARY

§ 93.30 CREATION OF PUBLIC LIBRARY.

A city library, to be known as the Quitman Public Library, is hereby created.

(1980 Code, § 11.20) (Ord. passed 6-10-1975)

§ 93.31 CREATION OF LIBRARY DEPARTMENT.

A city department, to be known as the Library Department, is hereby created.

(1980 Code, § 11.21) (Ord. passed 6-10-1975)

§ 93.32 PUBLIC LIBRARY BOARD.

(A) There is hereby created a Library Board which shall consist of 5 members. The object and purpose of the Library Board is to act as an advisory, policy-making board to the City Council and Librarian relating to the establishment and usage of the library or libraries, the nature of services rendered or to be rendered by library, the manner in which the library service may be coordinated with the services of other libraries which render services to the citizens beneficial to the city.

(1) The 5 members of the Library Board shall be resident citizens, qualified voters and taxpayers of the city.

(2) The Library Board shall select, from among its members, a Chairperson and a Vice-Chairperson. The Secretary shall be the Librarian who shall service as an ex officio member of the Library Board.

(3) Members of the Library Board shall be appointed by the Mayor, who shall also serve as an ex officio member of the Board, with the approval of the City Council, for a 3-year term. Of 5 appointments, 2 shall be appointed during even-numbered years and 3 shall be appointed during odd-numbered years for the 3-year terms. Vacancies on the Library Board occurring other than through the expiration of a term of office shall be filled by appointment of the Mayor, with City Council approval,

and the appointees shall serve for that portion of the unexpired term remaining for the vacancy being filled.

(4) The members of the Library Board shall be subject to removal from office by the City Council for any cause deemed sufficient for their removal in the interest of public service.

(B) The duties of the Public Library Board shall be to:

(1) Appoint an Administrative Librarian;

(2) Hold monthly meetings at regular stated times, open to the public and in a set municipal place;

(3) Receive suggestions and recommendations for the city respecting the development of the library and library service and to make recommendations to the City Council regarding the same if deemed necessary and desirable;

(4) Make periodic reports to the City Council concerning the operation and financial standing of the library; and

(5) Carry out and perform any other reasonable regulations and requirements as may from time to time be made and adopted by the City Council.

(C) A majority of the Library Board shall constitute a quorum.
(1980 Code, § 11.22) (Ord. passed 6-10-1975)

§ 93.33 APPOINTMENT AND DUTIES OF LIBRARIAN.

(A) The administrative head of the Quitman Public Library shall be Librarian and he or she shall be appointed by the Library Board. The Librarian shall receive such compensation as is agreed upon by the Library Board. In addition to the duties incident to the supervision and use of the library, the Librarian shall maintain a set of books or other set of suitable records as may be prescribed in which a record shall be kept of all receipts of the library and also all books, periodicals, manuscripts, furniture, furnishings, instruments, apparatus or other property purchased for or donated to the library.

(B) The Librarian appointed under the provisions of this subchapter is the head of the Library Department and as such shall have authority to maintain order in and about the library premises.

(C) Once a year the Librarian shall prepare an annual report to the Library Board and to the City Council and shall submit all such reports requested by the Texas State Library.

(D) The Librarian shall also prepare a budget to be annually submitted to the Library Board for approval and then to the City Council.

(1980 Code, § 11.23) (Ord. passed 6-10-1975)

§ 93.34 OPERATION OF LIBRARY.

General rules and regulations for the operation and use of the library shall be left to the direction of the Librarian with approval by the Library Board.

(1980 Code, § 11.24) (Ord. passed 6-10-1975)

§ 93.35 FINANCING OF LIBRARY.

A tax shall be levied in accordance with the prepared budget presented by the Library Board and approved by the City Council.

(1980 Code, § 11.25) (Ord. passed 6-10-1975)

CHAPTER 94: STREETS AND SIDEWALKS

Section

94.01 Installation of culverts

§ 94.01 INSTALLATION OF CULVERTS.

(A) It shall be unlawful for any person to install any culvert along any public street or avenue of the City of Quitman without the approval of the Director of Streets and Maintenance.

(B) The Director of Streets and Maintenance will determine the size of culvert required and the grade.

(C) (1) The City Street Department will install 24 feet of culvert on lots with new construction at no cost to the owner, owner furnishing culverts.

(2) Additional culverts may be installed at the total expense of the owner by or under the supervision of the Street Department.

(3) Additional culverts will be not be installed along the entire front of a lot without necessary drainage breaks.

(Ord. 800909, passed 9-9-1980) Penalty, see § 10.99

