

# Cameron County Abatement of Refuse and Other Nuisances

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# Background

- On April 12, 1994, *Cameron County Commissioners' Court Order Adopting Procedures for the Abatement of Refuse and Other Nuisances* was adopted
- Ordinance is pursuant to Chapter 343 of the Health and Safety Code, VTCA

# State Law/Ordinance Highlights

- Defines 'public nuisance'
- Identifies notice process for those in violation of state law/ordinance
- Authorizes Cameron County to abate for those in non-compliance
- Authorizes Cameron County to place lien for associated costs with abatement
- If requested by property owner, process includes a written request addressed to the County Judge for a Hearing with the Commissioners Court

# Public Nuisance

Chapter 343 of Health and Safety Code deems the following to be public nuisances:

- a) Keeping, storing, or accumulating refuse on premises in a neighborhood 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, refrigerator, stoves, furniture, tires and cans on premises in a neighborhood for ten (10) days or more, unless the rubbish or object is completely enclosed within a building or is not visible from a public street;
- c) Maintaining premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin or disease-carrying pests;

# Public Nuisance

- d) Allowing weeds to grow on premises in a neighborhood if such weeds are located within three hundred (300) feet of another residence or commercial establishment; or
- e) Maintaining a building in a manner that is structurally 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.

# “Weedy Lots”

For the purpose of this presentation, the public nuisance focus will be:

- d) Allowing weeds to grow on premises in a neighborhood if such weeds are located within three hundred (300) feet of another residence or commercial establishment.

# Weedy Lots Activities

## FY 2008

- The Cameron County Department of Health and Human Services Environmental Health Program received 300 weedy lot complaints involving 355 properties. This estimate can vary depending on weather conditions.
- There were 60 properties which were deemed as having the property owners as 'unknown'. These properties averaged .76 of an acre in size.
- Sources utilized to determine property owners are the Appraisal District and the Tax Assessor-Collector Online.
- Sources utilized to locate properties are Carson Maps and GIS.

## *Notice to Abate Nuisance* (form)

- Identifies the specific 'Public Nuisance' condition;
- Provides property owner with 30 days to correct the matter;
- Informs property owner that failure to comply may result in abatement, costs to owner and a lien against the property;
- Informs property owner of right to a hearing;

# *Notice to Abate Nuisance* (form) Shall Be Given

- By service in person or by registered or certified mail, return receipt requested;
- Or if personal service cannot be obtained or address is unknown:
  - notice must be posted on the property and
  - notice must be published in a **newspaper** with general circulation in the county twice within ten (10) consecutive days.

# First Time Advertising Costs

- The ordinance requires notice to be provided via publication in local newspaper with general circulation twice within a ten (10) day period.
- Based on a quote from the Valley Morning Star, the cost to publish one (8.5"x11") copy of a *Notice to Abate Nuisance* (form) twice within a 10 day period is approximately \$1,521.
- Annual Advertisement Cost = \$91,260 (\$1,521 x 60 unknown properties)

# Follow-up Advertising Costs

- With a property owner that is unknown, it is expected that these properties will continue to be in violation of the weedy lots ordinance and the abatement process will continue for these properties.
- The costs associated for the follow-up abatement of these properties will also include advertising the *Notice* in the local newspaper.
- Thus, the cost associated with advertising notices twice within a 10 day period for follow-up abatements performed every 3 months (3 quarters) is \$273,780.

# First Time Abatement Costs

- The cost to abate properties is difficult to obtain as it varies according to conditions of the property to be abated as well as distance from each property to be abated.
- One company provided phone estimate of \$300 for first time general mowing for weedy lot.
- With an average of 60 properties with unknown owner per year @ \$300, the estimated cost for first time mowing is approximately \$18,000.

# Follow-up Abatement Costs

- With a property owner that is unknown, it is expected that these properties will continue to be in violation of the weedy lots ordinance and the abatement process will continue for these properties.
- The cost to abate properties is difficult to obtain as it varies according to conditions of the property to be abated as well as distance from each property to be abated. Illegal dumping also plays a cost factor.
- One company provided phone estimate of \$150 for follow-up general mowing for weedy lot.
- With 60 properties with unknown owners per year being abated every 3 months, the annual cost to abate these properties will be approximately \$27,000.

# Annual Abatement Cost Analysis

Estimates are based on 60 properties with unknown owner to be abated.

Estimates are based on .75 lot sizes without illegal dumping costs involved.

<b>Description</b>	Minimum Projected Estimate	Maximum Projected Estimate
Estimated Cost for First Time Advertising (\$1,521x60)	\$91,260	\$91,260
Estimated Cost for First Time Mowing (\$300x60):	\$18,000	\$18,000
Estimated Cost for Three Follow-up Advertisements (\$1,521x60x3)	0	\$273,780
Estimated Cost for Three Follow-up Abatements (\$150x60x3):	<u>0</u>	<u>\$27,000</u>
<b>Estimated Annual Cost for Abatement</b>	<b>\$109,260</b>	<b>\$410,040</b>

**For more information, please contact the**

**Cameron County**

**Department of Health and Human Services**

**Environmental Health Program**

**(956) 247-3599**