

Below are the definitions section for the City of Santa Clara “Nuisance Ordinance” – DRAFT

**Section 1.03. Definitions.**

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**Aerosol Paint** - an aerosolized paint product, including a clear or pigmented lacquer or finish.

**Agricultural use** - includes, but is not limited to, the following activities: (a) cultivating the soil; (b) producing crops for human food, animal feed, or planting seed or for the production of fibers; (c) floriculture, viticulture and horticulture; (d) raising or keeping livestock; (e) raising or keeping exotic animals or fowl for the production of human food or fiber, leather, pelts or other tangible products having a commercial value; (f) planting cover crops or leaving land idle for the purpose of participating in a governmental program provided the land is not used for residential purposes or a purpose inconsistent with agricultural use or leaving the land idle in conjunction with normal crop or livestock rotation procedures; (g) wildlife management; and (h) beekeeping.

**Aircraft** - any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air dirigibles and balloons.

**All-Weather Parking Facility** - asphalt or concrete paving suitable for vehicle parking.

**Alley** - includes property within the limits of a designated alley as reflected in Guadalupe County real estate records including utility and other easements within the boundaries of an alley.

**Antique Vehicle** - a passenger car or truck that is at least 25 years old.

*City – the City of Santa Clara, Texas.*

**Dilapidated Fence** - any fence in an improper state of repair that causes a safety or health concern. It includes any fencing that by its age or deteriorating condition lists, leans, buckles or is broken or has exposed pieces projecting, protruding or laying in a manner which could fall or be hazardous to persons walking or driving along public property including street or right of way or public easements; fencing that by improper position on or near the ground is situated in such a manner as to offer harborage to vermin; fencing that is damaged by animals or by other means such that the fence condition is unsafe and deleterious to the livability of the neighborhood; any eight foot (8') section of a fence that is more than fifteen degrees (15') out of vertical alignment or that has ten percent (10%) of its pickets or structural components either damaged, missing or rotted.

**Fireworks** - any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive or flammable compound, or any tablet or other

device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

**Garbage** - all decayable wastes, including vegetable, animal and fish offal and carcasses of such animals and fish, and shall include all such substances from all public and private establishments and from all residences.

**Graffiti** - any unauthorized inscription, logo, slogan, word, signature, symbol, drawing, painting, or other marking of any sort which is etched, written, painted, drawn or applied in any other way to any structure, building or property of any sort or to any portion or element thereof, whether the property is public or private.

**Handbill** - any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature.

**Hay bale** - A bundle or pile of hay.

**Junk** - all worn-out, worthless, and discarded material, in general, including but not limited to old iron or other metal, glass, paper, plastic, wood, cordage or other waste or discarded materials.

**Junked Vehicle** - a vehicle that: 1. is self-propelled and a) does not have lawfully attached to it an unexpired license plate, or b) does have lawfully attached to it an unexpired license plate but does not have lawfully attached to it a valid motor vehicle inspection certificate; and 2. is: a) wrecked, dismantled or partially dismantled, or discarded, or b) substantially disfigured, damaged, or disintegrated, or c) ruined, destroyed or demolished; or d) inoperable and has remained inoperable for more than: i. seventy-two (72) consecutive hours, if the vehicle is on public property; ii. thirty (30) consecutive days if the vehicle is on private property.

**Landscape/Brush in an Unsafe State of Disrepair** - any vegetation, landscape, trees, bushes, shrubs, vines, brush or ground cover plants that due to lack of trimming, pruning, or shaping or other neglect is hazardous to persons walking or driving along public property including street or right of way or public easements, or is in such a manner so as to offer harborage to vermin.

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

**Littering/Dumping** - the discarding of garbage, paper, and other forms of refuse or junk in any place other than officially designated containers or disposal units.

**Motor Vehicle** - any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act. **Motor Vehicle Collector** - a person who owns one or more antique or special interest vehicles and who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

**Motor Vehicle Demolisher** - any person in the business of converting motor vehicles into processed scrap or scrap metal, or to otherwise wreck or dismantle motor vehicles.

**Nuisance** – Whatever is dangerous to human life or health, or whatsoever renders the ground, the water, the air or the food a hazard or injurious to human life or health or that is offensive to the senses or that is detrimental to the public health, is hereby declared to be a nuisance. Nuisance shall also be defined as the property condition which displays a disregard for the harmony or orderliness or the community which a reasonable person would expect in the community.

**Nuisance Tarp** - material used for screening from view a vehicle, boat, trailer or other item that is torn or defective or worn or is not fitted and manufactured for a specific vehicle.

**Nuisance Vehicle** - any vehicle, including an all-terrain vehicle, boat, or personal watercraft, that: 1. was intended/manufactured to be self-propelled and 2. is: a) wrecked, dismantled or partially dismantled, or discarded, or unattended on jack stands or blocks or other means, or b) in a condition with two or more flat tires for 14 days or more, or is missing two or more wheels for 14 days or more, or c) used primarily for storage and remains unmoved for 14 days or more, or d) a habitat for vermin, or e) substantially disfigured, damaged, or disintegrated, or f) ruined, destroyed or demolished; or g) inoperable and has remained inoperable for more than: i) seventy-two (72) consecutive hours, if the vehicle is on public property; ii) thirty (30) consecutive days if the vehicle is on private property.

**Open space land** - means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

**Owner** - occupant or person otherwise having supervision or control of any lot, tract, or parcel of land or portion thereof or any building or portion thereof.

**Person** - any natural person, association of persons, partnership, corporation, agent or officer, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors, administrators.

**Public Property** - the entire width between property lines including the non-paved area of a street right-of-way, of any road, street, way, thoroughfare, bridge, public park, or any other public land to include, but not limited to, drainage easements, creek and river beds.

**Rear Yard** - that area of a lot circumscribed by the back lot line, the side lot lines extending to imaginary lines perpendicular from the back corners of the residential structure, and the back side of the residential structure.

**Refuse** - all garbage, rubbish, and all other decayable and non-decayable waste, including vegetable, animal and fish carcasses, except sewage from all public and private establishments and residences.

**Rubbish** - all non-decayable wastes, from all public and private establishments and from all residences, to include, but not limited to construction waste.

**Screening Fence/Wall** - a barrier at least six feet (6') in height of stone, brick, pierced brick or block, uniformly colored wood or other permanent material which forms a visual barrier of equal character, density and design.

**Side Yard** - the area behind an imaginary line extending perpendicularly from the front corner of the residential structure to the side lot line, extending to an imaginary line perpendicular to the side lot line which touches the back corner of the residential structure closest to the side lot line at which point the "rear yard" begins.

**Special Interest Vehicle** - a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

**Storage Facility** - a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

**Unauthorized** - without the permission of the owner or person in control of property, whether public or private.

**Unauthorized Location for Vehicle for Sale** - any public property where a Vehicle for Sale is parked when that area does not have a certificate of occupancy issued by the appropriate jurisdiction for such use of the public property.

**Vehicle for Sale** - any motor vehicle, boat, trailer, jet ski, recreational vehicle, camper or other vehicle (collectively called "vehicle" or "vehicles") having displayed thereon any writing or signage indicating such vehicle is for sale.

**Vermin** - wild animals that are potentially harmful to humans, crops, farm animals, or game, or that carry disease, e.g., rodents, snakes, worms or insects, and other venomous, disease or parasitic carrying creatures.

**Weed** - means, among other things, a plant considered a weed in the common usage of the term; a plant that grows in an unsightly or profuse manner; an invasive species as determined by the US Department of Agriculture; a plant of no utility among garden plants, crops, turf grasses and the like, and that competes with wanted plants for nutrients and/or light and/or adds no value to the property including any grass, that because of its height is objectionable, unsightly or unsanitary.