

**CITY OF LYFORD, TEXAS**  
**ORDINANCE 2026-05-01**

**AN ORDINANCE REPEALING ORDINANCE NO. 08-08-11 IN ITS ENTIRETY AND ADOPTING IN ITS PLACE THE CITY OF LYFORD WEEDY LOT ORDINANCE; PROTECTING THE PUBLIC HEALTH, PROMOTING THE PUBLIC WELFARE, AND ENHANCING THE BEAUTY AND APPEARANCE OF THE CITY OF LYFORD, TEXAS; PROHIBITING NUISANCES ON PROPERTY; IMPOSING A DUTY TO MAINTAIN PROPERTY FREE OF NUISANCES; PROVIDING FOR NOTICE TO PROPERTY OWNERS; ESTABLISHING A COMPLIANCE-FIRST ENFORCEMENT PROCEDURE; PROVIDING FOR CITY ABATEMENT AND COST RECOVERY; PROVIDING AN EMERGENCY ABATEMENT PROVISION; ESTABLISHING AN ADMINISTRATIVE FEE; PROVIDING FOR LIENS; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Lyford, Texas finds that the existence of weeds, brush, rubbish, and other nuisances on private and public property within the City constitutes a danger to the public health, safety, and welfare of its residents; and

WHEREAS, the City Commission desires to repeal and replace Ordinance No. 08-08-11 with a modernized Weedy Lot Ordinance that establishes fair and effective enforcement tools, a graduated fee structure, and clear delegation of authority across multiple city officials; and

WHEREAS, the City Commission finds that the twelve-inch weed height standard adopted herein is appropriate for Rio Grande Valley growing conditions and is consistent with the standards adopted by neighboring cities; and

WHEREAS, the City Commission finds that eight (8) days constitutes a reasonable time to comply with a weed abatement notice within the meaning of Texas Health and Safety Code Section 342.006, based on the following findings: Rio Grande Valley growing conditions produce rapid vegetation growth requiring prompt abatement; the City's compliance-first philosophy means enforcement officials will exercise discretion in scheduling abatement crews; and eight days reflects the Commission's judgment of the appropriate balance between property owner compliance opportunity and public health protection in Lyford's specific conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LYFORD, TEXAS, AS FOLLOWS:

## **SECTION 1. REPEAL OF PRIOR ORDINANCE**

Ordinance No. 08-08-11, known as the Weedy Lot Ordinance of the City of Lyford, Texas, is hereby repealed in its entirety. This ordinance supersedes and replaces Ordinance No. 08-08-11 in full. All rights, liabilities, and proceedings pending or existing under Ordinance No. 08-08-11 at the time of repeal are preserved and shall be governed by the provisions of this ordinance from and after its effective date.

## **SECTION 2. DECLARATION OF NUISANCE**

Whatever is dangerous to human health or welfare, or whatever renders the ground, the water, the air, or food a hazard or an injury, is hereby declared to be a nuisance. The following specific acts, conditions, and things are declared to constitute a public nuisance and are hereby prohibited and made unlawful:

### **(A) Foul or Offensive Substances.**

The deposit or accumulation of any foul, decaying, or putrescent substance or other offensive matter in or upon any lot, street, or public or private place in such a way as to become offensive or objectionable; the overflow of any foul liquids or the escape of any gases, fumes, mists, or sprays to such an extent as to become hazardous to health or a source of discomfort to persons living or passing in the vicinity.

### **(B) Manure.**

The accumulation of manure, unless it is in a properly constructed pit or receptacle.

### **(C) Weeds, Brush, and Rubbish.**

The existence of weeds, brush, rubbish, or other objectionable, unsightly, or unsanitary matter on any lot or parcel of real estate within the city, or any condition that holds or is liable to hold stagnant water, or that is liable to cause or spread disease, or that tends to render the surrounding atmosphere unhealthy or obnoxious. Such lots or parcels shall include all ground within the property boundaries and extending to the curb line of adjacent streets where a curb line has been established, and fourteen (14) feet beyond the property line where no curb line has been established, and to the center of adjacent alleys.

### **Definitions.**

The word "Weeds" means all rank and uncultivated vegetable growth or matter which has grown to more than twelve (12) inches in height, or which, regardless of height, is liable to become an unwholesome or decaying mass or a breeding place for mosquitoes or vermin.

The word "Brush" means all trees or shrubbery under seven (7) feet in height which are not cultivated or cared for by the person owning or controlling the premises.

The word "Rubbish" means all refuse, rejected tin cans, old vessels, useless articles, discarded clothing and textiles, and all other litter and matter commonly included within the meaning of such term.

"Other objectionable matter" means all uncultivated vegetable growth, objects, and materials not included within the definitions above that are liable to produce an unhealthy, unwholesome, or unsanitary condition on the premises or in the surrounding locality, including any species of ragweed or other vegetable growth that may tend to be unhealthy to individuals residing in the vicinity.

### **SECTION 3. DUTY OF PROPERTY OWNERS AND OCCUPANTS**

It shall be unlawful for any owner, lessee, occupant, agent, representative, or employee of any owner, lessee, or occupant, or any other person having ownership, occupancy, or control of any land or improvements thereon, to permit, allow, or suffer any condition to exist on such property that is prohibited or made unlawful under the provisions of this ordinance. With respect to areas beyond the property boundary, including the curb line, the area between the property line and the street, and adjacent alleyways, the duty imposed by this section applies to the removal of weeds, brush, and rubbish constituting a public health nuisance, and does not impose a general maintenance or cleaning obligation where the city has assumed such responsibility by ordinance or Commission action.

### **SECTION 4. ENFORCEMENT AUTHORITY**

The following city officials and employees are authorized to enforce the provisions of this ordinance, each within the scope of authority set forth below:

#### **(A) Code Enforcement Officer.**

The Code Enforcement Officer, or any city employee designated by the City Administrator to serve in that capacity, is authorized to inspect properties for violations; document violations by written report and photograph; issue citations; and serve or post notice as provided in Section 5.

#### **(B) Public Works Director.**

The Public Works Director is authorized to direct and supervise the abatement of nuisances by city maintenance crews; document all costs incurred by the city in abating nuisances including employee labor hours at rates established by Commission resolution, equipment use at rates established by Commission resolution, and disposal costs; and compile and certify cost statements for lien filing purposes.

#### **(C) City Secretary.**

The City Secretary is authorized to receive all payments made by property owners in satisfaction of abatement costs, administrative fees, and fines; issue receipts; maintain all enforcement records as permanent city records; and, as the official having immediate care, custody, and control of the city's records pertaining to the abatement of nuisances, file statements of expense with the Willacy County Clerk and coordinate all lien-related administrative functions under this ordinance.

#### **(D) City Administrator.**

The City Administrator is authorized to coordinate enforcement functions under this ordinance, including receiving certified cost statements from the Public Works Director, ensuring timely notice and lien filing deadlines are met, and communicating with the Mayor regarding enforcement actions requiring mayoral certification.

#### **(E) Mayor.**

The Mayor retains ultimate supervisory authority over enforcement of this ordinance and is the named official for formal lien certification. Upon payment in full of all amounts

secured by a lien, the Mayor is authorized to execute a written release of lien on a form prepared and approved by the City Attorney.

## **SECTION 5. NOTICE TO PROPERTY OWNERS**

Whenever a nuisance as defined in this ordinance comes to the knowledge of any enforcement official authorized under Section 4, such official shall cause written notice to be issued to the property owner. Notice shall be given by the following methods in the order listed:

### **(A) Certified Mail.**

Notice shall be sent by certified mail, return receipt requested, to the owner's last known post office address. This is the primary method of notice.

### **(B) Property Posting.**

If the owner's address is unknown or if mailed notice is returned undelivered, notice shall be given by attaching a waterproof notice in a conspicuous place on the front of any structure on the property, or if no structure exists, by attaching a waterproof notice to a stake driven into the ground at the front of the property nearest the public street. The enforcement officer shall photograph the posted notice at the time of posting and retain the photograph as part of the city's permanent enforcement record.

### **(C) Newspaper Publication.**

If neither mailed notice nor property posting is practicable, notice may be published as many as two (2) times within eight (8) consecutive days in a newspaper of general circulation in the City of Lyford. The cost of publication shall be included in the lien assessed against the property.

The notice shall require the owner to abate the nuisance within eight (8) days from the date of service, and shall state that failure to do so may result in city abatement at the owner's expense, assessment of an administrative fee, and the filing of a lien against the property.

## **SECTION 6. ENFORCEMENT PROCEDURE**

Upon identification of a violation, the Code Enforcement Officer shall issue written notice as provided in Section 5. No citation shall issue and no fine shall begin to accrue during the eight-day notice period. Upon expiration of the eight-day notice period without compliance, the city is authorized to abate the nuisance as provided in Section 7. All property owners receive the full eight-day notice period regardless of prior violation history on the property. Enforcement under this ordinance is civil in nature. No criminal citation or misdemeanor charge shall issue under this ordinance. The city's remedy for non-compliance is abatement at the property owner's expense and the filing of a lien as provided in Sections 7 and 9.

## **SECTION 7. CITY ABATEMENT AND COST DOCUMENTATION**

Upon the city's authority to abate as provided in Section 6, the Public Works Director shall cause the nuisance to be abated in a reasonable and prudent manner at the expense of the city. The Public Works Director shall document all costs incurred, including: (1) employee labor hours multiplied by the employee's established hourly rate of compensation including benefits, as set by Commission resolution; (2) city equipment use at rates established by the City Commission by

resolution; (3) disposal costs; and (4) any contractor invoices if work is performed by a third party. The Public Works Director shall certify the cost statement and submit it to the City Administrator, who shall confirm receipt and communicate it to the Mayor for certification and lien filing as provided in Section 9.

## **SECTION 8. EMERGENCY ABATEMENT**

Notwithstanding any other provision of this ordinance, the City may abate without prior notice to the property owner any weeds or vegetation that have grown to a height greater than forty-eight (48) inches and that constitute an immediate danger to the health, life, or safety of any person, as authorized by Texas Health and Safety Code Section 342.008. Upon completion of emergency abatement, the City shall notify the property owner by certified mail not later than the tenth (10th) day after the date of abatement. The notice shall describe the work performed, the costs incurred, and the owner's right to request an administrative hearing. The property owner may request an administrative hearing within thirty (30) days of the date of such notice. Upon receipt of a timely request, the City shall schedule the hearing not later than twenty (20) days after the date the request is received. Abatement costs shall be assessed and a lien filed as provided in Sections 7 and 9.

## **SECTION 9. ADMINISTRATIVE FEE AND LIEN**

### **(A) Administrative Fee.**

A minimum administrative fee of one hundred fifty dollars (\$150.00) shall be assessed for each lot or series of adjacent and contiguous lots abated by the city under this ordinance. This fee covers the overhead costs of inspection, owner notification, and administration, and is assessed in addition to, and not in lieu of, the actual costs of abatement documented under Section 7. The City Commission may by resolution adjust the minimum administrative fee to reflect changes in actual administrative costs without requiring an ordinance amendment. The administrative fee and the actual cost of abatement together constitute the total amount owed by the property owner and subject to lien under subsection (B).

### **(B) Lien Filing.**

After the Public Works Director certifies the total costs of abatement and the City Administrator confirms receipt of the certified cost statement, the Mayor shall certify the statement of expense and direct the City Secretary to file it with the County Clerk of Willacy County, Texas. Upon filing, the City shall have a privileged lien on the property upon which the work was performed, second only to tax liens and liens for street improvements. The lien shall bear interest at the rate of ten percent (10%) per annum as provided by Texas Health and Safety Code Section 342.007(c) from the date the statement is filed.

### **(C) Lien Release.**

Upon payment in full of all amounts secured by the lien, the Mayor is authorized to execute a written release of lien on a form prepared and approved by the City Attorney. The City Secretary shall file the executed release with the Willacy County Clerk and update the city's permanent enforcement records.

### **(D) Suit and Foreclosure.**

The City may institute suit and seek recovery and foreclosure of any lien filed under this ordinance. A certified copy of the statement of expense filed with the County Clerk shall constitute prima facie proof of the amount expended.

#### **SECTION 10. VOLUNTARY MAINTENANCE AGREEMENT**

Any owner of vacant property within the City may contract with the City for regular removal of weeds and vegetation by submitting a written request to the Code Enforcement Officer or Public Works Director. The charge for each removal shall be not less than an amount sufficient to cover the actual cost of abatement plus the administrative fee established under Section 9(A), as adjusted by resolution of the City Commission from time to time.

#### **SECTION 11. CONTRACTOR AUTHORITY**

The City may award any quantity of abatement work authorized under this ordinance to a general contractor through a competitive bid process approved by the City Commission. Award shall be made to the contractor submitting the lowest and best bid for performing such work during a stipulated period not to exceed one year. Nothing in this section exempts any contract from applicable state competitive procurement requirements.

#### **SECTION 12. COORDINATION WITH OTHER ORDINANCES**

The provisions of this ordinance are cumulative of and in addition to all other applicable city ordinances, including without limitation Ordinance No. 21-11-22 (Clean and Maintain Curbs), Ordinance No. 10-09-00 as amended (Garbage and Brush Pick-Up), and Ordinance No. 13-01-14 as amended (Junked and Abandoned Vehicles). Nothing in this ordinance shall be construed to reimpose any obligation under Ordinance No. 21-11-22 that has been suspended or assumed by the city by ordinance or Commission action. A violation of this ordinance does not preclude citation under any other applicable ordinance. In the event of a direct conflict between the provisions of this ordinance and any other city ordinance, the more specific provision shall control.

#### **SECTION 13. PAYMENTS AND RECORDS**

All payments collected under this ordinance shall be received by the City Secretary, who shall issue receipts and maintain permanent records of all collections. All collected funds shall be deposited in accordance with the city's established financial procedures under the direction of the City Administrator.

#### **SECTION 14. CIVIL ENFORCEMENT – COST RECOVERY AND LIEN**

The remedy of the City for a violation of this ordinance is civil cost recovery through abatement at the property owner's expense, assessment of the administrative fee established in Section 9(A), and the filing of a lien against the property as provided in Section 9(B). The total amount owed by a property owner following city abatement shall be: (1) the actual cost of abatement as documented and certified by the Public Works Director under Section 7; plus (2) the administrative fee of \$150.00 as established in Section 9(A), which together constitute the full civil obligation of the property owner under this ordinance.

**SECTION 15. SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance and the application of its provisions to other persons or circumstances shall not be affected.

**SECTION 16. EFFECTIVE DATE AND TRANSITION**

This ordinance shall become effective immediately upon its passage, approval, and publication of the caption as required by law. The fee structure set forth in Section 14 shall apply to all violations cited on or after the effective date of this ordinance, regardless of when the underlying violation began.

**SECTION 17. REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict. Ordinance No. 08-08-11 is repealed in its entirety as provided in Section 1 of this ordinance.

PASSED AND APPROVED THIS THE  27  DAY OF   MAY  , 2026.

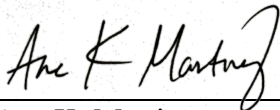


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Pablo Morales, Mayor

Attest:



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Antonio "Tony" Chavez,  
City Administrator



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Ana K. Martinez  
City Secretary