

TITLE XIII: GENERAL OFFENSES

Chapter

130.GENERAL OFFENSES

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General Offenses

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§ 130.01 SPRAYING OF TREATED EFFLUENT PROHIBITED; EXCEPTIONS.

(A) The introduction and spraying of treated effluent within the confines of the city shall be prohibited by order of the City Council.

(B) The Meadowlakes Municipal Utility District is exempt from this section and may disperse its treated effluent in appropriate locations.
(Ord. 93-02-13, passed 2-13-93) Penalty, see § 10.99

§ 130.02 DEPOSITING OR ACCUMULATION OF TRASH AND LITTER IS PROHIBITED.

(A) Residents are required to keep residences and yards in a neat and orderly condition. A person commits an offence if such person deposits or allows accumulation of trash or debris on any portion of a lot in Meadowlakes which is visible from the street or other properties. The prohibited items include (but not limited to) paper, wood, rocks, junk, appliances, furniture (other than patio furniture designed for outdoor use), lawn clippings, branches, trash debris, carrion, composting, household garbage, rubber tires, bottles, scrap metal, vehicle parts, construction materials, and fill materials.

Exceptions to this restriction are allowed under the following conditions:

(1) Trash and debris is prepared/packaged in accordance with trash collection requirements and placed on curbside ready for pickup provided it is after noon the day prior to scheduled pickup and the containers are retrieved by 8:00 a.m. the day following the pickup. Except during the allowed time period, a person commits an offence if garbage containers are stored or placed in a manner such that containers are visible from the street.

(2) Tree and shrubbery trimmings are permitted temporarily but only at curbside location, and must be removed completely within 10 days of first deposit either by services of the POA or the resident of the property.

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(3) Trash that is accumulated, in approved containers, during period of new construction or major remodeling commencing after the point that a remodeling/new construction permit is issued.

(B) A person commits an offense if such person deposits trash (as defined in 130.02A), including leaves, on any street, gutter, other lot, private or public property.

(C) Unsanitary or health hazard trash/garbage is prohibited. A person commits an offense if such person deposits or allows accumulation of waste, junk, scrap parts or materials, garbage, animal, or vegetable refuse matter or other unwholesome matter on any location or piece of property to include easements so as to create a potential harborage, or breeding place for rats, vermin or insects or in such a manner as to be oppressive or injurious to the public health or unpleasant and disagreeable in sight or odor to persons residing or occupying the premises or adjacent premises who may be in a public place or public right of way, and after any of such has remained upon the premises, public or private, for more than seven days it will be presumed that the same is an unsanitary condition and injurious to public health. All household garbage shall be kept in sanitary containers, and a person commits an offense by not being in compliance.

(D) Junk or in-operative vehicles are prohibited. It shall be unlawful for a vehicle owner or owner of any lot or premises to, place, allow or permit, whether reusable or not, and which is offensive to the public health, safety or to the aesthetics of the neighborhood, any worn out, wrecked, inoperative and/or abandoned automobile, truck, motorcycle, scooter, tractor or machinery of any kind, and/or any item which fall in the category set forth herein, to remain upon any premises, private or public within the city unless same is stored in an enclosed garage. Junked or inoperative vehicle means any vehicle that is designed to be self-propelled, and:

(a) Does not have lawfully affixed to it either an unexpired license plate or a valid motor vehicle safety inspection certificate; and is:

(A) wrecked, dismantled, partially dismantled, or discarded; or

(B) is inoperable and has remained inoperable for a continuous period of more

(1) 72 consecutive hours, if on public property; or

(2) 30 consecutive days, if on private property

For the purpose of this definition, vehicles or equipment not required by statute to have such license plate or safety inspection certificates shall be classified as same being expired for purposes of meeting the condition of item (a) above.

(E) It shall be the duty of the ordinance enforcement officer to notify owner or agent for management purposes of any private premises upon which any rubbish or trash has been placed or disposed (including illegally placed or disposed), to remove such rubbish or trash within ten (10) days. An owner commits an offense if rubbish or trash is not removed within ten (10) days of receipt of notification. Such notice shall be in writing and may be served on the owner or agent at post office address as shown on the tax rolls of the county, or where such address is not shown, then by notice by publication in a paper of general circulation in the city as many as two (2) times within fourteen (14) consecutive days, provided that such notice is not necessary when

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such waste material is determined by the ordinance enforcement officer to be an immediate health hazard. The ordinance enforcement officer is authorized to immediately declare (if deemed necessary to protect health and safety) that such trash or rubbish be removed within 3 days by the owner. Notification is by whatever means available. If immediate notification is not successful, ordinance enforcement officer is authorized to have said trash or rubbish removed. The owner of the property shall reimburse the city within 45 days all expenses incurred in such removal.

(Ord. 05-001, passed 4-5-05, Am. Ord. 2006-05, passed 5-2-06; Am. Ord. 2008-14, passed 8-12-08) Penalty, see § 10.99

§ 130.03 STORAGE OF COMMERCIAL QUANTITIES OF TOXIC OR HAZARDOUS MATERIALS PROHIBITED.

A person(s), firm(s), or corporation(s) commits an offence if such person stores or handles hazardous or toxic materials in the following manner:

- (A) Possessing or storing within the city, quantities of hazardous materials in excess of those quantities reasonably required to support a single-family household's normal usage.
- (B) Applies quantities of hazardous materials in concentrations that exceed those recommended as being safe by the material manufacturer.
- (C) Recklessly handles or stores hazardous materials in a manner, which results in toxic spills into the environment, storm or septic sewer systems of the city.
- (D) Deposits or dumps hazardous materials into the environment, storm or septic sewer systems of the city or other public sewer system.

Any person, firm or corporation who owns property upon which any hazardous, inflammable or toxic material or liquid is spilled, dumped, or improperly stored shall be liable to the city for any material, labor or expense incurred by the city in cleaning up or removing from the property; the same is declared to be a nuisance.

Hazardous material items include (but are not limited to) chemicals, oils, solvents, gasoline, kerosene, diesel, paints, pesticides, herbicides, cleaners, and batteries or any other material or liquid for which the manufacturer labels deem it to be a hazard to the environment or public health.

(Ord. 05-001, passed 4-5-05; Am. Ord. 2006-05, passed 5-2-06; Am. Ord. 2006-27, passed 11-7-06) Penalty, see § 10.99

§ 130.04 METAL FOIL WINDOW TREATMENT PROHIBITED.

A person commits an offence if such person applies or permits continued use of light-blocking metal foil as a temporary or permanent window treatment on any residence or building within the City of Meadowlakes.

(Ord. 05-001, passed 4-5-05; Am. Ord. 2006-05, passed 5-2-06) Penalty, see § 10.99

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§ 130.05 TRUCKS ENTRY TO CITY LIMITED TO PROVIDING DELIVERIES AND SERVICES RESTRICTION.

Entry of all trucks into Meadowlakes at all times is limited to only those trucks providing deliveries of goods and services to Meadowlakes residents, construction sites, or official entities of the city, POA or MUD. The duration of access is limited to only that which is a reasonable time to affect delivery of goods and/or services to the recipient or recipients. Exceptions to the truck entry restriction exist only for the following:

- (1) Trucks that are classified as pickup trucks with a manufacturer's load capacity rating of 1.5 tons or less are exempt from the restriction.
- (2) Trucks that are classified as panel trucks with a manufacturer's load capacity of 1 ton or less are exempt from the restriction.
- (3) Trucks that are configured as western hauler type trucks (or equivalent configuration), with a manufacturer's load capacity rating of 1.5 tons or less, and used for the specific purpose of pulling a Meadowlakes Resident's RV trailer.
- (4) Trucks that are classified as emergency services vehicles (including all types of emergency vehicles such as fire, EMS, and utilities) and vehicles that are owned by the POA or MUD are exempt from the restriction.

(Ord. 05-001, passed 4-5-05; Am. Ord. 2006-27, passed 11-7-06) Penalty, see § 10.99

§ 130.06 UNREASONABLY LOUD NOISE PROHIBITED.

(A) The making, causing or permitting to be made of any unreasonably loud noise, which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof, or any noise of such character, intensity and continued duration which substantially interferes with comfortable enjoyment of private homes by persons of ordinary sensibilities is prohibited. Unreasonable loud noise produced (but not limited to) by the honking of a horn, the ringing of a bell, the sounding of a gong, the blowing of a whistle or by means of a loudspeaker or megaphone, or by the racing of an engine of any kind, or by means of any instrument, machinery or device, or in connection with the operation or repair of an automobile, motorcycle or other vehicle, is hereby declared to be a nuisance and is prohibited; provided, however, that the provisions of this section shall not be construed to prevent the giving of any sound as a warning of danger, if necessary or required by law.

(B) A person commits an offence if such person operates an RV generator/alternator while the RV is parked inside the City of Meadowlakes. An exception is allowed for short periods of time to facilitate maintenance and/or checkout of the generator/alternator and related RV equipment.

(Ord. 05-001, passed 4-5-05; Am. Ord. 2006-05, passed 5-2-06) Penalty, see § 10.99

§ 130.07 ACCESS TO MEADOWLAKES RESTRICTIONS.

POA maintains rules and restrictions dealing with entry into the City of Meadowlakes. Right of permanent access has been granted to established and currently existing residents. Non-resident property owners, guests and invitees of property owners or permanent residents and guests and invites of the Meadowlakes Country Club gain entry by temporary permit only as limited by the POA. Provided the POA has posted proper no trespass signs and signs alerting persons that entry under false pretense is a trespass, the POA shall contact the City police and request prosecution for trespass pursuant to the State criminal statutes governing trespass.

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The City has an agreement with the POA to permit access to a person (or persons) for the public purposes of doing public business with the City of Meadowlakes or MUD and/or for the purpose of attending public meeting or public functions scheduled by the City or MUD at the property owned by the City and/or MUD. The POA shall permit such access and persons entering for the purpose of entering or parking at the public facilities for use of the public facilities. Appropriate signage will be posted by the POA that access will be permitted over the private streets for the express purpose of utilizing the public facilities provided the person(s) do not enter or remain for any other purpose, such persons shall be considered trespassers. The POA shall provide adequate notice for purposes of enforcing the State regulations on trespass and notice requirements.

(Ord. 05-001, passed 4-5-05; Am. Ord. 2006-05, passed 5-2-06; Am. Ord. 2006-29, passed 11-7-06) Penalty, see § 10.99

§ 130.08 DOOR-TO-DOOR SOLICITING RESTRICTIONS.

A person commits an offence if such person conducts door-to-door commercial soliciting of residences within the City of Meadowlakes for purposes other than free speech. Non-residents shall not be granted access to Meadowlakes for the purpose of soliciting. The only exception to this door-to-door soliciting restriction is granted to residents of Meadowlakes that attend local area schools, and furthermore restricted only to solicit for not-for-profit youth organizations and local area school activities. Guests and/or invites of Meadowlakes residents are prohibited from conducting or supporting any form of door-to-door soliciting activities within the City of Meadowlakes.

(Ord. 05-001, passed 4-5-05; Am. Ord. 2006-05, passed 5-2-06) Penalty, see § 10.99

§ 130.09 TEMPORARY RESIDENCE PROHIBITED.

No structure not approved for residential use by the Building Committee, including but not limited to trailers, mobile homes, manufactured homes, motor homes, basements, tents, shacks, garages, or other outbuilding and accessory structures, shall be used on any lot at any time as a residence, either temporary or permanently. A person commits an offence if such person violates the above restriction.

(Ord. 05-001, passed 4-5-05; Am. Ord. 2006-05, passed 5-2-06) Penalty, see § 10.99

§ 130.10 BURNING OR BURYING OF TRASH, MATERIALS PROHIBITED.

A person commits an offense if such person burns and/or buries trash or building materials within the city limits. An exception to this trash burning prohibition may be granted to Meadowlakes MUD, subservient to the following conditions and restrictions:

A Burn Exception request is submitted by formal letter to the city; identifying the location, material, desired time interval, rationale for requesting the burn, and inclusion of a statement certifying compliance to the following requirements and constraints.

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- (1) Material to be burned is limited to tree, shrub, underbrush, brush trimmings and related debris that originated only from Meadowlakes.
- (2) Burn shall comply with TAC 30 sections 111.201 to 111.221 (Texas Administration Code) including compliance with TCEQ (Texas Commission on Environmental Quality) Outdoor Burning Guidelines for local governments.
- (3) Burn shall not be initiated if a Burnet County Burn Ban has been declared.
- (4) Adequate fire suppression resource shall be in-place at burn site and available for use during the period of the burn.
- (5) Burn request is based on a unique circumstance or rare instance when burning is the only practical disposal method alternative.
- (6) Burn shall be conducted in a special controlled area set aside by MUD.

Burn will not be allowed until approved in writing by City Mayor (or appointed designee).
(Ord. 2006-15, passed 9-8-06; Am. Ord. 2006-29, passed 11-7-06)

§ 130.11 OUTDOORS FIRES PROHIBITED.

Except as allowed in § 130.10, a person commits an offense if such person burns a fire out-of-doors within the city limits of Meadowlakes. This restriction shall be applicable to any out-of-doors fire with an open flame burning combustibles of any type while not in a chamber designed to contain the fire (such as a chiminea or grill).

(Ord. 02-12, passed 10-1-02; Am. Ord. 2006-15, passed 9-8-06; Am. Ord. 2006-29, passed 11-7-06)

§ 130.12 FIREWORKS PROHIBITED.

A person commits an offense if such person sells, uses, possesses or transports fireworks within the City of Meadowlakes. Fireworks are defined as any explosive device of any magnitude, including but not limited to, firecrackers, roman candles, fountains, rockets, air bombs, wheels and shells. An exception to this restriction is granted for possession and use of sparklers. Sparklers are allowed fireworks, with the restriction that use shall only be conducted by an adult, or used under the direct supervision of an adult, and further restricted that use does not include throwing of the sparkler.

(Ord. 02-12, passed 10-1-02; Am. Ord. 2006-15, passed 9-8-06)

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§ 130.13 UNLAWFUL DISCHARGE OF FIREARMS AND GUNS PROHIBITED.

A person commits an offense if such person uses, or discharges a firearm within the City of Meadowlakes, or shoots or uses other devices capable of inflicting serious bodily injury. The prohibited devices include rifles, pistols, shotguns, pellet guns (rifles and pistols), air rifles, air pistols, BB guns, paint ball guns, and bows and arrows. An exception to this restriction is allowed consistent with provisions of Subchapter C, D and E of Chapter 9, Texas Penal Code, as amended.

(Ord. 02-12, passed 10-1-02; Am. Ord. 2006-15, passed 9-8-06; Am. Ord. 2006-29, passed 11-7-06)

§ 130.14 SPECIAL RESTRICTIONS AND CURFEW HOURS FOR MINORS.

Persons who are minors and while physically within the corporate limits of the City of Meadowlakes shall be required to adhere to special restrictions during defined hours. The requirement and restrictions are defined herein and shall be referred to as the Meadowlakes Curfew for minors.

(A) Definitions.

- (1) Meadowlakes Curfew restrictions apply to any person under 17 years of age as further defined herein.
- (2) Any person under 17 years of age is herein defined for purposes of this section as a *minor*.
- (3) **Curfew hours** are defined as anytime between the hours of:
 - a. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day; and
 - b. 11:00 PM on Friday until 6:00 a.m. on Saturday; and
 - c. 11:00 PM on Saturday until 6:00 a.m. on Sunday.
- (4) **Parent** is defined as a person who is a natural parent, adoptive parent, or step-parent;
- (5) **Authorized adult** is defined as a person who is at least 18 years of age, authorized by a parent or guardian to have the assigned care and custody of the minor.
- (6) **Guardian** is defined as a person who is:
 - a. Under court order, is the guardian of the minor; or
 - b. A public or private agency with whom the minor has been placed by a court.
- (7) **Emergency** is defined as an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (8) **Serious bodily injury** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

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- (9) **Public place** is defined as any place to which the public or a substantial group of the public has access and includes, Meadowlakes City Hall, Hidden Falls Golf Club, City owned property, POA commons areas, POA parks, POA RV Park, POA streets and other POA owned property.
- (10) **Unauthorized private place** is defined as any place in which a person is present or remains present, and which is not the person's domicile or legal residence or is present or remains present on private property or at a private residence to which the person was not invited.
- (11) **Present or Remain** means to temporarily occupy, linger or stay.
- (12) **"Without detour, stop or unnecessary delay"** does allow minors sequentially conducting or participating in multiple allowed activities as defined herein; such as a driver while in route, "dropping off" or "picking up" another minor(s) at allowed locations.

(B) Curfew related offenses.

- (a) A minor commits an offense if the minor occupies or remains in any public or unauthorized private place located within the City while doing so at any time during **curfew hours**.
- (b) A **parent, guardian or authorized person** of a minor commits an offense if **parent, guardian or authorized person** permits, or by insufficient control allows, the minor to remain in any public or unauthorized private place located within the city while doing so at any time during **curfew hours**.

(C) Exceptions and defenses.

It is a defense to prosecution that the minor was:

- (a) Accompanied by and under direct supervision of **minor's parent**; or
- (b) Accompanied by and under direct supervision of an **authorized adult**; or
- (c) Accompanied by and under direct supervision of **minor's guardian**; or
- (d) Engaged in an employment activity, or traveling to or returning from an employment activity, without detour, stop or unnecessary delay; or
- (e) Involved in an emergency; or
- (f) Traveling to or returning home from, without detour, stop or unnecessary delay; an official school, religious or other recreational activity supervised by adults, including a civic organization; or other similar entity that takes responsibility for the minor; or
- (g) Traveling to or returning home from a private party, gathering or visit hosted at a private residence, without detour, stop or unnecessary delay; to which the minor was an invited guest; or
- (h) A Meadowlakes resident traveling to or from home, without detour, stop or unnecessary delay; location(s) outside the corporate limits of the City.
- (i) Exiting the City, without detour, stop or unnecessary delay, for the purpose of leaving a private Meadowlakes residence to which minor had been invited, or leaving an officially sanctioned Meadowlakes public function.
- (j) A non-Meadowlakes resident traveling to and from the City, without detour, stop or unnecessary delay, for the purpose of delivering a Meadowlakes resident(s) or invited guest to a resident's home.

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- (k) Minor is on an errand at the direction of the minor's parent, guardian or authorized adult, without any detour, stop or unnecessary delay; or
- (l) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(D) Enforcement.

Before taking any enforcement action under this section, a peace officer or ordinance officer shall establish the minor's name, age and explore all possible exceptions to potentially being in violation of curfew. The peace officer may issue at the officer's discretion (or in the case of ordinance officer may at officer's discretion request) a citation if officer reasonably believes that an offense has occurred and that, based on lack of response and/or other circumstances, no valid defense appears to be present.

(E) When required by V.T.C.A, Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection B (a) of this section and shall refer the minor to juvenile court, provided a juvenile court of competent jurisdiction exists.

(F) Consistent with requirements of State statutes, the provisions of this section require, as a minimum, review every three years from the effective date and reinstatement by the governing body of the City in order to remain in force.

(Ord. 2009-07, passed 12-8-09)

§ 130.15 PROHIBITED ACT'S CAUSING UNNECESSARY DISTURBANCES.

Persons are prohibited from harassing actions or conduct, which due to the nature of the action or conduct, including conduct or actions at unusual times of day/night, which could or would cause a person of reasonable sensibilities to feel harassed, cause fear, and/or otherwise disturbing the peaceful use of private citizen's property. Such actions include, but are not limited to, the ringing of doorbells, knocking on doors or windows, or other similar conduct, disturbing or frightening citizens within the residence intentionally or with reckless disregard for the affected person(s). A person conducting him or herself in such a manner commits an offence if person conducts such acts, or commits such acts without remaining to identify him or herself and/or without legitimate intent to have a meaningful interaction with one or more residents therein. Specifically, the act of ringing doorbells or knocking on residences and then expeditiously leaving the premises or hiding without waiting for a response is prohibited.

(Ord. 2009-07, passed 12-8-09)

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