Chapter 7 – Offenses and Nuisances

Article 07.01.00 Discharge of Firearms 1

Article 07.02.00 Noise Nuisances 2

Article 07.03.00 Junked Vehicles
Sec. 07.03.01 Definitions 3
Sec. 07.03.02 Junked vehicle declared a public nuisance 3
Sec. 07.03.03 Unlawful to create or to maintain such nuisance 4
Sec. 07.03.04 Entry powers of City officials, powers of municipal court 4
Sec. 07.03.05 Administration, authority to enforce 4-5
Sec. 07.03.06 Order by Municipal Judge 5
Sec. 07.03.07 Duty of owner or occupant of the premises 5
Sec. 07.03.08 Notice to Texas Highway Department 5
Sec. 07.03.09 Exemptions 6
Sec. 07.03.10 Administration of article 6
Sec. 07.03.11 Disposal of junked vehicles 6
Sec. 07.03.12 Redress through the courts 6
Sec. 07.03.13 Penalty 6

Article 07.04.00 Curfew for Juveniles
Repealed by Ordinance 2023-11 on September 12, 2023.

Article 7.05.00 Corner of Traffic Visibility
Sec. 07.05.01 Definitions 7
Sec. 07.05.02 Certain fences prohibited 7
Sec. 07.05.03 Plants higher than three feet 7
Sec. 07.05.04 Obstruction of sidewalks 8
Sec. 07.05.05 Planting near fire hydrants 8
Sec. 07.05.06 Minimum clearance in sidewalk areas 8
Sec. 07.05.07 Requirement of permit for construction of fences 8
Sec. 07.05.08 Abatement by the City at property owner's expense 8
Sec. 07.05.09 Authority of Building Inspector to trim or remove trees and plants 8
Sec. 07.05.10 Penalty for violation 9

Article 07.06.00 Outside Light Nuisances
Sec. 07.06.01 Definitions 10
Sec. 07.06.02 Outside light nuisances 10
Sec. 07.06.03 Investigating city employee 10
Sec. 07.06.04 Penalty 10

Article 07.07.00 Sex Offender Regulations

Sec. 07.07.01 Purpose and Intent 11
Sec. 07.07.02 Definitions 11
Sec. 07.07.03 Sex Offender Prohibition 12
Sec. 07.07.04 Property Owner prohibited from renting real property to registered sex offenders 12
Sec. 07.07.05 Evidentiary Matters 12
Sec. 07.07.06 Exceptions 13

Article 07.08.00 ALARM SYSTEMS

Sec. 07.08.01 Definitions 14
Sec. 07.08.02 Providing information on access to alarm system 14
Sec. 07.08.03 Fees for city response to alarm signal 14
Sec. 07.08.04 Requirement for alarm systems 14

Article 07.09.00 RESIDENTIAL LOT USE AND RESTRICTIONS

Sec. 07.09.01 Purpose 15
Sec. 07.09.02 Residential Lot Restrictions and Development Standards 15-16
Sec. 07.09.03 Penalty 17

Article 07.10.00 WATERCRAFT LIFT, FLOATING DOCK, OR OTHER WATERCRAFT EQUIPMENT IN SIDE SETBACK MORE

Sec. 07.10.01 Watercraft Lift, Floating Dock or Other Watercraft Equipment Inside Setback more than Fifteen Minutes is a Nuisance 18
Sec. 07.10.02 Penalty 18

ARTICLE 07.01.00. DISCHARGE OF FIREARMS

A. It shall be unlawful for any person, other than a peace officer in the line of duty, or any person acting in lawful defense of life or property, to fire or discharge any gun, pistol or other firearm within the corporate limits of the City of Bayou Vista, Texas. (Ord. No. 2016-12, 04-26-2016)

B. Any person who shall violate or fail to comply with this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine in accordance with the general penalty provision found in **Section 01.01.06.** of this Code.
(Ord. No. 16-85 §§ 1, 2, 5-22-1985)

Note: **Ordinance 2016-07**, amending Chapter 7 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word "village" for the word "City".

ARTICLE 07.02.00. NOISE NUISANCES

A. Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities to the immediate vicinity thereof is hereby declared to be a nuisance and is hereafter prohibited.

B. Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereafter prohibited.

C. The following acts, among others, are declared to be nuisances in violation of this article, but said enumerations shall not be deemed to be exclusive, to-wit:

1. The playing of any radio, phonograph or other musical instrument in such manner or with such volume so as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling or other type of structure, particularly at the following times: (Ord. 2022-05, 6-28-2022)

    a) Sunday - Thursday 10:00 pm through 8:00 am
    b) Friday - Saturday 11:00 pm through 8:00 pm

2. The use of any stationary loud speaker or amplifier of such intensity that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; the use of any stationary loud speaker or amplifier operated on any week day between the hours of 10:00 p.m., and 8:00 a.m., and weekends and holidays between the hours of 11:00 p.m. and 8:00 a.m.

3. The continued or frequent sounding of and signal or signal device on any automobile, motorcycle, bus, or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh device for any unnecessary and unreasonable period of time.

4. The running of any automobile, motorcycle, vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.

5. Construction Noise – noise from construction due to, but not limited to, the use of pavement breakers, pile drivers, jackhammers, compressors, pneumatic-powered equipment, electric saws, hammers, dozers, tractors, and generators during the hours between 8:00 p.m. and 7:00 a.m. on any weekday, and weekends and holidays between the hours of 8:00 p.m. and 8:00 a.m. except for emergency repairs necessary for the preservation of property protection of the safety and welfare of the property owners. (Ord. No. 02-03, Article 7.200 (c) (5) 03-11-03) (Ord. No. 01-04, Article 7.200 (c) (5) 03-02-04)

***State law references:** Authority of municipality to regulate the discharge of firearms, V.T.C.A., Local Government Code, Section 217.003.(Ord. No. 53-87, §§ 1--3, 7-1-1987)

***State law references:** Authority of municipality to restrain or prohibit the ringing of bells, blowing of horns, hawking of goods, or any other noise, V.T.C.A., Local Government Code, Section 217.003.

Note: **Ordinance 2016-07**, amending Chapter 7 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

ARTICLE 07.03.00. JUNKED VEHICLES

Sec. 07.03.01. Definitions

A. As used in this article the following terms have the meanings respectively ascribed to them in this section.

1. *Antique vehicle*. A passenger car or truck that is at least twenty-five (25) years old.

2. *Collector.* The owner of one (1) or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

3. *Inoperative.* Incapable of being moved with the power generated from engine mounted in the vehicle.

4. *Junked vehicle.* A vehicle that is subject to registration under Chapter 501 of the Transportation Code that is self-propelled and ~~(1)~~ does not have lawfully attached to it:

   a. An unexpired license plate.

   Is wrecked, dismantled or partially dismantled, or discarded; or

   b. Is inoperable and has remained inoperable for more than seventy-two (72) consecutive hours, if the vehicle is on public property; or thirty (30) consecutive days, if the vehicle is on private property.

5. *Motor vehicle.* A motor vehicle that is subject to registration under Chapter 501 of the Transportation Code.

6. *Police department.* The police department of the City.

7. *Special interest vehicle*. A motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

8. *City*. The City of Bayou Vista, Texas. (Ord. No. 94-12, § 2, 11-1-1994; Ord. No. 99-10, 11-2-1999; Ord. No. 99-12, 11-30-1999)

Sec. 07.03.02. Junked vehicle declared a public nuisance.

A. A junked vehicle which is located in any place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of the private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the City of Bayou Vista by producing urban blight which is adverse to the maintenance and continuing development of the City, and is hereby declared to be a public nuisance. (Ord. No. 94-12 § 3, 11-1-1994)

***State law references:** Regulation of abandoned and junked motor vehicles, V.T.C.A., Transportation Code, Chapter 683.

Sec. 07.03.03. Unlawful to create or to maintain such nuisances.

A. It shall be unlawful for any individual, company or corporation to leave or permit to remain upon public or private property (except as hereinafter provided), within the City, any junked vehicle or parts or portions thereof, for any period of time in excess of ten (10) days, or in excess of five (5) days for repeat offenders. (Ord. No. 2022-05, 6-28-2022)

B. A person commits on offense if that person maintains a public nuisance for any period of time in excess of ten (10) days. (Ord. No. 94-12, § 4, 11-1-1994)

Sec. 07.03.04. Entry powers of City officials, powers of municipal court.

A. Any person authorized by the City to administer the provisions of this article may enter upon private property for the purposes specified in the procedures to examine a vehicle or vehicle part, obtain information as to the identity of the vehicle and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. The municipal court shall have authority to issue all orders necessary to enforce such procedures.
(Ord. No. 94-12 § 5, 11-1-1994)

Sec. 07.03.05. Administration authority to enforce.

A. Whenever it shall be determined by the chief of police or any full time salaried city officer acting under his direction that a junked vehicle or part thereof, is located so as to be visible from a public place or public right-of-way, thereby constituting a public nuisance. Notice shall be given as follows:

1. Notice when located on private property:

   a. For a nuisance on private property there shall be given not less than seven (7) days notice stating the nature of the public nuisance on private property, that it must be removed and abated within ten (10) days following service of notice to abate such nuisance. (Ord. No. 08-05, 07-12-05) (Ord. No. 2022-05, 6-28-2022)

   b. If not abated by such day a hearing will be held by the municipal judge of the City of Bayou Vista. The notice shall set forth the date, time and location of the hearing. At the hearing it s presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. The notice shall be mailed by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder or record, and to the owner or occupant of the private premises upon which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered.

   c. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten (10) days after the date of the return; (Ord. No. 08-05, 07-12-05) (Ord. No. 2022-05, 6-28-2022)

2. Notice when located on public property:

   a. For a nuisance on public property, there shall be given not less than ten (10) days notice stating the nature of the public nuisance on public property or on a public right-of-way, that it must be removed and abated within ten (10) days following service of notice to abate such nuisance, and that if not abated by such day a hearing shall be held by the Municipal Judge of the City of Bayou

Vista. The notice must set forth the date, time and location of the hearing. At the hearing it its presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. (Ord. No. 08-05, 07-12-05)

b. The notice shall be mailed, by certified mail with a five (5) days return receipt requested, to the last known registered owner of the junked vehicle, any lienholder or record, and to the owner or occupant of the public premises or the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered.

c. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not less than ten (10)days after the date of the return.

3. A public hearing must be had before the municipal judge of the City of Bayou Vista prior to the removal of the vehicle or part thereof as a public nuisance, if a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within seven (7) days after service of notice to abate the nuisance. At the hearing, it is presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable. A resolution or order requiring the removal of the vehicle or part thereof must include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site. (Ord. No. 94-12, § 6, 11-1-1994, Ord. No. 08-05, 07-12-05)

Sec. 07.03.06. Order by Municipal Judge

A. After the hearing is held by the Judge of the Municipal Court of the City, as herein provided, if said Municipal Judge finds that such a nuisance as herein defined exists, he shall order the owner or occupant of the premises on which said vehicle is located to remove such junked vehicle within seven (7) days after said order is given to such owner or occupant of the premises on which said vehicle is located.

B. It shall be unlawful and a violation of this section for any such person to whom such order is given to fail or refuse to comply therewith and to remove such junked vehicle within the time provided by said order. (Ord. No. 94-12, § 7, 11-1-1994)(Ord. No. 08-05, 07-12-05)

Sec. 07.03.07. Duty of owner or occupant of the premises.

A. In the event the owner or occupant of the premises does not request a hearing as hereinabove provided, it shall be his duty to comply with the provisions of the notice given to him and to abate such nuisance within seven (7) days after the date of the receipt of such notice. (Ord. No. 94-12 § 8, 11-1-1994, Ord. No. 08-05, 07-12-05)

Sec. 07.03.08. Texas Department of Transportation (TxDOT)

A. Notice shall be give the Texas Department of Transportation (TxDOT) within five (5) days after the date of removal identifying the vehicle or part thereof. The Notice shall identify the vehicle or vehicle part. (Ord. No. 94-12 § 10, 11-1-1994)(Ord. No. 2016-12, 04-26-2016)

Sec. 07.03.09. Exemptions

A. This section shall not apply to:
(Ord. No. 2022-05, 6-28-2022)

1. A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

2. An unlicensed, operable, or inoperable antique or special interest vehicle stored by a collector on the collector's property, if the vehicle and the outdoor storage area are maintained in a manner so that they do not constitute a health hazard and are screened from ordinary view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means Art. 4477-9a, Sec. 5.09(g). (Ord. No. 94-12, § 11, 11-1-1994)

Sec. 07.03.10. Administration of article.

A. The administration of this article shall be by regularly salaried, full-time employees of the City of Bayou Vista, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person. (Ord. No. 94-12 § 12, 11-1-1994)

Sec. 07.03.11. Disposal of junked vehicles.
(Ord. No. 2022-05, 6-28-2022)

A. A junked vehicle or a vehicle part may be disposed of by removal to a scrap yard or demolisher.

Sec. 07.03.12. Redress through the courts.

A. A complaint shall be filed in the municipal court for the violation of maintaining a public nuisance, if the nuisance is not removed and abated, or a hearing is not requested within the ten-day period provided in this article. If a person is found guilty of maintaining a nuisance, the person shall order punished as provided in this article and the court shall order removal and abatement of the nuisance. (Ord. No. 94-12 § 14, 11-1-1994)

Sec. 07.03.13. Penalty

A. Any owner or occupant of premises, including any person having ownership, occupancy or control of any property in the City of Bayou Vista on which there exists a nuisance as herein set out and shall fail, refuse or neglect to remove thereof after receiving due notice as herein set out, or refuse to abide by any order requiring the removal of said vehicle or part thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty provision found in Section 01.01.06 of this Code. Each day of the willful offense or violation constitutes a separate offense.
(Ord. No. 94-12 § 15, 11-1-1994)

Note: **Ordinance 2016-07**, amending Chapter 7 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

ARTICLE 07.04.00. CURFEW FOR JUVENILES

Article 07.04.00 entitled Curfew for Juveniles was repealed in its entirety to include Sections 07.04.01, 07.02.02, 07.04.03, 07.04.04, 07.04.05 and 07.04.06 by Ordinance 2023-11 by City Council on September 12, 2023.

ARTICLE 07.05.00. CORNER OF TRAFFIC VISIBILITY

Sec. 07.05.01. Definitions

A. For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

1. *Curb-line.* The boundary of that portion of any street which is improved, designed or ordinarily used for vehicular traffic.

2. *Plant.* Any hedge, bush, shrub, vine, palm or other vegetation, except trees.

3. *Property line.* The boundary line of any street which line marks the division between the street area and the property abutting upon the same.

4. *Street.* The entire width of every way or place of whatsoever nature when any part thereof is open to the use of the public as a matter of right for the purpose of traffic.

5. *Traffic.* Pedestrians, riders of animals and drivers of vehicles while using any street for the purpose of travel.

6. *Vehicle.* Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power. (Ord. No. 35-86, § 1, 1-4-1986)

Sec. 07.05.02. Certain fences prohibited.

A. It shall be unlawful for any person to construct or replace, or cause to be constructed or replaced, any fence having a height greater than three (3) feet above the level of the center of the nearest abutting street on or in that portion of any corner lot in the City, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the property lines at points twenty (20) feet from the street corner intersection of the property lines. (Ord. No. 35-86 § 2, 1-4-1986)

Sec. 07.05.03. Plants higher than three feet.

A. It shall be unlawful for any person to place or cause to be placed any plant having a height greater than three (3) feet above the level of the center of the nearest abutting street on or in that portion of any corner lot in the City, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the property lines at points twenty (20) feet from the street corner intersection of the property lines at points twenty (20) feet from the street corner intersection of the property lines.

B. It shall be unlawful for either the owner or the occupant of any corner lot in the City to place, maintain, or permit or cause to be placed or maintained any plant having a height greater than three (3) feet above the level of the center of the nearest abutting street on or in that area which lies between the property lines of such corner lot and the curb-lines of streets abutting such property lines and which area extends for a distance of fifty (50) feet back from the intersection of the curb-lines of such abutting streets. (Ord. No. 35-86, § 3, 1-4-1986)

Sec. 07.05.04. Obstruction of sidewalks

A. It shall be unlawful for either the owner or the occupant of any lot in the City to place, maintain, or permit or cause to be placed or maintained any fence, tree or plant on or in the area between the property line thereof and the curb-line of any street abutting such property line in such a way as to obstruct the free passage on and use of that area by the public. (Ord. No. 35-86 § 4, 1-4-1986)

Sec. 07.05.05. Planting near fire hydrants

A. It shall be unlawful for the owner or occupant of any property in the City to place, maintain or permit or cause to be placed or maintained thereon any tree or plant within five (5) feet of any fire hydrant in the City. (Ord. No. 35-86 § 5, 1-4-1986)

Sec. 07.05.06. Minimum clearance in sidewalk areas

A. It shall be unlawful for the owner or occupant of any property in the City to maintain or permit limbs of trees growing thereon to overhang or grow above the area between his property line and the curb-line of any abutting street, unless such limbs and all branches and foliage thereon are kept trimmed and pruned to a minimum clearance of eight (8) feet above the street level at the nearest curb-line. (Ord. No. 35-86 § 6, 1-4-1986)

Sec. 07.05.07. Requirement of permit for construction of fences

A. Plans and specifications shall be submitted to the building inspector for approval of the construction of new fences, additions of existing fences, or reconstruction of existing fences. A permit shall be required for such reconstruction of existing fences, which shall be issued by the building inspector. The standard fee for such permit shall be as provided for in the fee schedule found in the appendix of this Code. (Ord. No. 35-86 § 7, 1-4-1986)

Sec. 07.05.08. Abatement by the City at property owner's expense

A. It shall be the duty of the Bayou Vista Police Department to cause a written notice to be served upon the owner or occupant of any property upon which any violations of this division exists to correct such condition as constitutes a violation of these sections within ten (10) days after serving such notice; and if such condition is not corrected or remedied or caused to be corrected or remedied by such person by the end of such (10) days' notice, the Board of Aldermen of the City of Bayou Vista is hereby authorized and directed to cause the tree or plant or part thereof constituting such violation to be so trimmed, pruned or removed as to eliminate the prohibited condition. (Ord. No. 35-86, § 8, 1-4-1986) (Ord. No. 2022-05, 6-28-2022)

Sec. 07.05.09. Authority of building inspector to trim or remove trees and plants

A. The building inspector is hereby authorized to remove, or cause to be removed, any trees or plants found between the branches, limbs, or foliage of any tree or plant which overhangs or grows above the area which lies between the opposite curb-lines of any street, so as to provide a minimum clearance of eight (8) feet above the street level at the curb-line and so as to be graduated toward the center of the street to a clearance of twelve (12) feet above the street level at the center of the street. (Ord. No. 35-86 § 9, 1-4-1986)

Sec. 07.05.10. Penalty for violation

A. Any person who shall violate the terms and provisions of this article shall upon conviction thereof, be punished by a fine in accordance with the general penalty provision found in section 1.106 of this Code, and each and every day this article is violated shall constitute a separate offense. (Ord. No. 35-86 § 10, 1-4-1986)

Note: **Ordinance 2016-07**, amending Chapter 7 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word "village" for the word "City".

ARTICLE 07.06.00. OUTSIDE LIGHT NUISANCES

Sec. 07.06.01. Definitions

A. As used in this article, the following terms shall have the meanings respectively ascribed to them in this section.

1. *Bright and/or brilliant lights*. Shining or glowing with, "Bright" implies emitting or reflecting a high degree of light. "Brilliant" implies intense, often sparkling brightness that may or may not reflect from a surface.

Sec. 07.06.02. Outside light nuisances

A. Any unreasonably bright and/or brilliant, disturbing, unnecessary outside light which causes material distress, discomfort or injury to person of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

B. Any outside light of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by person of ordinary sensibilities, is hereby declared to be a nuisance and is hereby prohibited.

Sec. 07.06.03. Investigating city employee

A. It will be the responsibility of the City employee investigating a nuisance complaint under this Article to determine the degree of non-compliance with this Article.

Sec. 07.06.04. Penalty

A. Any person violating this Article shall be guilty of a misdemeanor which shall be punishable by a fine of not more than five hundred ($500.) for each offense and each and every day this Article is violated shall constitute a separate offense. (Ord. No. 05-03 adding new Article 07.600; 7-1-03)

Note: **Ordinance 2016-07**, amending Chapter 7 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word "village" for the word "City".

ARTICLE 07.07.00 SEX OFFENDERS REGULATIONS

Section 07.07.01. Purpose and Intent

The City Council of the City of Bayou Vista, Texas, for the regulation of sex offenders, making it unlawful for certain sex offenders to reside within 1000 feet of premises where children gather; making it illegal to loiter within 300 feet of the public way around a child safety zone; providing exceptions to the ordinance; providing penalties for violations of the ordinance, including, but not limited to a fine not to exceed $2,000 as allowed by law, per day of continuing violation.

Section 07.07.02. Definitions

For the purposes of this Section, the following terms, words, and the derivations thereof shall have the meaning given herein.

Child- Means any person under the age of seventeen (17).

Child Care Facility- Means a facility or home day care which provides regular care to two or more children under fourteen (14) years of age, excluding children related to the caretaker, for a fee.

Child Safety Zone- Means public parks, school bus stops**,** or commercial and semi-private swimming pools, childcare facility**,** public or private youth soccer, basketball court or baseball field

Database- Means the Texas Department of Public Safety's Sex Offender Database or the Sex Offender Registration files maintained by the Sex Offender Registration for the Galveston County Sheriff's Office.

Loiter- Means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around an area.

Park Or Playground- Means one of the following:

A. Any land, including but not limited to, parks owned and operated by the Galveston Municipal Utility District #12, and any playground or recreation area owned and operated a church or any area managed by the City of Bayo Vista for the use of the general public as a recreational area.

B. City recreational areas include, but are not limited to, recreational center, swimming pool, soccer field or baseball field, or basketball court.

Permanent Residence *– Means a place where the person abides, lodges or reside for 14 or more consecutive days.*

Places Where Children Regularly Congregate- Means same as Child Safety Zone.

Public Way- Means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, shopping centers, parking lots, restaurants, bus stop, shops and similar areas that are open to the use of the public.

School- Means a private or public pre-school, private or public elementary school, or private or public secondary school.

Section 07.07.03: **Sex Offender Prohibition**

A. It is an offense for a Sex Offender to establish a permanent residence or temporary residence within one thousand (1,000) feet of the real property comprising a school, child care facility, park or play ground or other places where children regularly congregate.

B. It is an offense for a Sex Offender to knowingly enter a Child Safety Zone.

C. It is an offense for a Sex Offender to knowingly loiter on a public way within 300 feet of a Child Safety Zone.

D. A Sex Offender, shall not, on each October 30th and 31st (or any other date set by the City) between the hours of 4:00 p.m. and 11 :00 p.m., leave an exterior porch light on for trick-or-treaters to solicit the premises.

Section 07.07.04. **Property owners prohibited from renting real property to registered sex offenders.**

A. It is unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or any other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this Article, if such place, structure, or part thereof, manufactured home, trailer, or other conveyance is located within 1,000 feet, when the distance between a residence and a Child Care Facility of Child Safety Zone is measured from property line to property line.

Section 07.07.05. Evidentiary Matters

A. If a Sex Offender that is prohibited from being in a Child Safety Zone is found in a Child Safety Zone by a Police Officer, the Sex Offender is subject to punishment in accordance with this Ordinance.

B. It shall be prima facie evidence that this section applies to such a person if that person's record appears in/on the Database and the Database indicates that the victim was less than seventeen (17) years of age.

C. The distance of three hundred (300) feet from a child safety zone shall be measured on a straight line from the closest boundary of the Child Safety Zone.

D. The distance of one thousand (1,000) feet from a place where children regularly congregate shall be measured on a straight line from the closest boundary line of the Sex Offender's residence to the closest boundary line of the school, childcare facility,

park or playground or other places where children regularly congregate.

E. In cases of a dispute over measured distances, it shall be incumbent upon the person(s) challenging the measurement to prove otherwise.

F. A map depicting the prohibited areas shall be created by the Bayou Vista Police Department. Said map will be available to the public at the City of Bayou Vista Police Department or available on the City of Bayou Vista Website.

Section 07.07.06. Exceptions

A. The person required to register in/on the Database established the permanent residence or temporary residence and residency prior to the adoption of this ordinance has been consistently maintained. The person has complied with all the Sex Offender Registration laws of the State of Texas, prior to adoption of this ordinance.

B. The place where children regularly congregate, as specified herein, within one thousand (1000) feet of a permanent or temporary residence of the person required to register on/in the State and County Database was opened, and the person established the permanent or temporary residence and complied with all Sex Offender Registration laws of the State of Texas.

C. The information on/in the Database is incorrect, and, if corrected, this Section would not apply to the person who was erroneously listed on/in the Database.

D. The person required to register on/in the Database was a minor when he or she committed the offense requiring such registration and was not convicted as an adult.

E. The person required to register is under eighteen (18) years of age or a ward under guardianship, who resides with a parent or guardian.

F. The person required to register has been exempted by a court order from registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure;

G. The person required to register has had the offense for which the sex offender registration was required, reversed on appeal or pardoned.

H. The person's duty to register on/in the Database has expired.

I. Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.(Ordinance No. 2024-02 Article 07.07.00 in its entirety--01-30 -24)

Note: **Ordinance 2016-07**, amending Chapter 7 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

ARTICLE 07.08.00 ALARM SYSTEMS

Sec. 07.08.01. Definition

A. Alarm system means any device or system that emits, transmits, or relays as signal or sound intended to summon emergency services of the city to a location.

Sec. 07.08.02. Providing information on access to alarm system

A. Any person owning or controlling any residential premises where an alarm system is operated must post a plainly visible notice on the outside of the residence that contains the name and telephone number of one or more persons to contact to disable the alarm system after activation. In lieu of the posted notice, the name and telephone number of the person to contact may be provided to the city or, if in the case of a monitored alarm system, to the company monitoring the alarm.

Sec. 07.08.03. Fees for city response to alarm signal

A. The city will not charge a fee for responding to activation of an alarm system from one alarm system for the first five responses in a calendar year.

B. The city will charge $50.00 to the person in control of the premises for each response by the city to the activation of an alarm system from one alarm system on that premises, after the fifth response in a calendar year.

Sec. 07.08.04. Requirements for alarm systems

A. Holdup alarms must not include a money clip, pressure pad or similar device which can cause inadvertent activation. Any holdup alarm must be designed so that it can be activated only by intentional and deliberate human action.

B. Alarm systems must not be equipped with a dialing device that automatically sends a prerecorded message indicating activation of the alarm system to the police or fire department unless the device is equipped with a means to automatically disconnect and discontinue the transmittal of the prerecorded message after the message has been communicated to the police department or fire department.

C. It is unlawful for any person in control of a premises where an alarm system is located to knowingly operate or allow any other person to operate an alarm system if any fee assessed by the city for responding to an alarm system as provided in this article has not been paid within 30 days of the date the city mails a notice requesting payment of the assessed fee. For purposes of this paragraph, it is a rebuttable presumption that the person in control of the premises where the alarm system is located received the city's written notice of the fee assessed if the city mailed the notice to the address listed for billing of utility services for the premises where the alarm system is located.

D. It is unlawful for any person who owns or controls premises where an alarm system is located to fail to repair a defective or malfunctioning alarm system within ten days after the person had notice that the alarm system was defective or malfunctioning.

E. It is unlawful for any person who owns or controls a premise where an alarm system is located to allow an activated alarm system to emit a sound that is clearly audible from the exterior of the structure or building where located for more than one hour, unless the activated alarm is a fire alarm. (Ordinance 2013-05; 05-28-13)

Note: **Ordinance 2016-07**, amending Chapter 7 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 03-29-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

Article 07.09.00 RESIDENTIAL LOT USE AND RESTRICTIONS

Sec. 07.09.01. Purpose

A. For the purpose of continuing to preserve and enhance the privacy and quiet enjoyment of residents of the City of Bayou Vista by creating development standards for lots restricted or used for single-family residential use, and to ensure uniformity for the use and occupancy of the such lots as residential waterfront sites for the benefit, use and convenience of each owner.

Sec. 07.09.02. DEVELOPMENT STANDARDS FOR LOTS RESTRICTED OR USED FOR SINGLE – FAMILY RESIDENTIAL USE (Ord. 2023-03, 02-28-2023)

A. No lot restricted or used for single – family residential use (hereinafter called a "residential lot") shall be used for anything other than residential purposes and shall not be used directly or indirectly for the conduct of any business whatsoever, commercial or otherwise.

As used herein, the term "residential use" shall be construed, to prohibit, among other things, the use of any Lot for duplex houses, garage apartments for rental purposes, apartment houses or short-term transient occupancy.

Short term transient occupancy (also known as a short-term rental) shall include any vacation rental arrangement. The short-term transient nature of any occupancy shall be determined by the intent of the parties at the time the parties enter into the leasing arrangement.

The leasing of all or part of any building or structure on a Residential Lot within the City of Bayou Vista for a term of less than thirty (30) days shall be deemed short term transient occupancy and shall be strictly prohibited.

No Lot, or portion thereof, may be leased to a third party for a term of less than thirty (30) days. For the purpose of this provision, "third party" shall be defined as any person who is not an Owner. The term "Owner" shall mean and refer to the record owner, whether one or more persons or entities of the fee simple title to any Residential Lot which is a part of any Subdivision within the City of Bayou Vista, including contract sellers, but excluding those having such interest merely as a security for the performance of an obligation.

Any lease for less than six months with an early termination clause with an early termination fee that is less than the equivalent of at least one month's rental income according to fair market value at the time shall also be deemed a short-term transient occupancy lease for the purposes of this provision. This clause is specifically written to prohibit leases of thirty days or more having a nominal early termination fee to circumvent the prohibition against rentals for less than 30 days.

Any rental of a motor home or travel trailer on a residential lot at any time shall be deemed commercial purpose and shall be unlawful.

Any advertisement for a short-term transient occupancy for all or part of a building or structure on a Residential Lot shall be unlawful.

Notwithstanding the foregoing, the following exceptions shall apply:

1. This provision is not intended to restrict a person from doing paperwork for their off-site business at home nor making or taking telephone calls at home to support their off-site business interests.

2. Only one (1) building shall be erected on a residential lot or multiple lots treated as a single residential lot; provided however, one additional outbuilding or other roofed or walled structure shall also be permitted as necessary for comfort, pleasure, and convenience of the building used and occupied as a dwelling house. All such outbuildings shall correspond in style and outside finish material to the dwelling house and shall comply with all building codes established by the City of Bayou Vista.

3. No temporary building, tent, motor home or travel trailer of any type shall be placed upon any residential lot during the construction of a new dwelling.

B. One (1) motor home or one (1) travel trailer may be stored on a lot used for residential purposes or restricted to single-family residential use. The motor home or travel trailer shall be deemed to be stored if it is closed with slide-outs/pop-ups retracted, unoccupied, and does not have water connected to it. The motor home or travel trailer shall be deemed to be occupied if it is occupied by any person and/or water is connected to it. It shall be unlawful for any motor home or travel trailer to be occupied at any time without a valid permit. The motor home or travel trailer shall be located entirely on a residential lot and shall not extend to any adjacent lot. The building official may issue a permit for the motor home or travel trailer to be occupied under the following limited circumstances: *(Ord. No. 2019-02; February 26, 2019)*

1. In the event of a catastrophic event that results in the destruction of the original residence or otherwise renders such residence uninhabitable, the owner of the residential lot or the lot restricted to single family residential use may, after obtaining a permit, occupy the motor home or travel trailer until the issuance of the certificate of occupancy for the reconstruction of the residence or six (6) months, whichever is earlier, or

2. An owner of the residential lot or a lot restricted to single family residential use, after obtaining a permit, may occupy (or allow his guests to occupy) the motor home or travel trailer, with a maximum of four occupants, for a period not to exceed two weeks. No more than six (6) permits under this subsection may be issued in any given year and at least two weeks must expire after the expiration of a permit before another permit may be issued for the same lot. (Ord. No. 2018-06, 04-24-2018)

C. No more than three (3) trailers, inclusive of one (1) Motor home/Travel Trailer and no more than two (2) golf carts and/or ATV's in total, in public view, on a lot used for residential purposes or restricted to single-family residential use.

D. All motor homes, travel trailers, boats and boat trailers that do not have current state license, registration and inspection stickers shall not be stored outside or left on any residential lot for a period to exceed three (3) months.

E. No residential lot shall be used for the purpose of storing construction materials, construction debris, or any other material related to the construction or improvement of a residential dwelling or outbuilding, unless there is active construction or improvements occurring at that site. Construction sites shall comply with all applicable regulations established by the City of Bayou Vista.

F. If any of the restrictions or development standards provided for in this Section would result in an unnecessary hardship for a residential lot owner, then such owner may seek a variance from such applicable provisions of this Section from the Board of Aldermen of the City of Bayou Vista. A variance may be granted only if such variance is not contrary to the public interest and due to special conditions, a literal enforcement of this Section would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. An unnecessary hardship may not be based solely on economic hardship.

Sec. 07.09.03. Penalty

A. The first violation of any provision of this Chapter shall constitute a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), or the maximum allowed by law, whichever is greater. The second violation of the same provision of this Chapter within one year from the date of the first violation shall constitute a fine of not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) or the maximum allowed by law, whichever is greater. The third violation or subsequent violation of the same provision of the Chapter within one year from the date of the previous violation shall constitute a fine of not less than four hundred dollars ($400.00) nor more than five hundred dollars ($500.00) or the maximum allowed by law, whichever is greater. Each violation and each day the violation continues shall constitute a separate offense.
(Ord. No. 2018-05, 3-27-2018)

ARTICLE 07.10.00 WATERCRAFT LIFT, FLOATING DOCK, OR OTHER WATERCRAFT EQUIPMENT

Sec. 07.10.01 Watercraft Lift, Floating Dock or Other Watercraft Equipment inside Setback More than Fifteen Minutes is a Nuisance

A. Except while launching and recovering a Personal Watercraft for a period not to exceed fifteen (15) minutes, all or part of a Watercraft Lift, Floating Dock or other Watercraft Equipment that extends into any side set back is hereby declared to be a nuisance and is hereafter prohibited.

Sec. 07.10.02 Penalty

A. Any person violating this Article shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed the maximum allowed by law for each offense. and each and every day that this Article is violated shall constitute a separate offense. (Ord. No. 2018-07, 6-26-2018) (Ord. No. 2018-10, 7-31-2018)