



PUBLIC NUISANCE ABATEMENT
POLICY FOR GRAY COUNTY, TEXAS

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DEFINITIONS

1. **“Abate,” “building,” “garbage,” “neighborhood,” “platted subdivision,” “premises,” “public street,” “receptacle,” “refuse,” “rubbish,” “undeveloped land,” “weeds,” and “flea market,” when used herein, are being used as defined by the Texas Health and Safety Code, Section 343.002, inclusive.**

2. **“Public Nuisance,” when used herein, is being used as defined by the Texas Health and Safety Code, Section 343.011, inclusive.**

PUBLIC NUISANCE ABATEMENT PROCEDURES
FOR GRAY COUNTY, TEXAS

IN ACCORDANCE WITH SECTION S 343.021 AND 343.022 OF THE TEXAS HEALTH AND SAFETY CODE, THE FOLLOWING PROCEDURES ARE HEREBY ADOPTED BY Gray COUNTY COMMISSIONERS' COURT, TO-WIT:

1. The Public Nuisance Abatement Procedures (The Procedures) for Gray County, TX, shall be administered by:

GRAY COUNTY ATTORNEY'S OFFICE
205 N. Russell
Room 202
Pampa, Texas 79065
(806) 669-8003
(806) 669-8037 (fax)
tiffani.dewitt@graycch.com

2. The Procedures are constructed to be *reactive* and can **only** be initiated by private citizen(s) filing written complaint(s) of a public nuisance which is located outside the City Limits of any municipality in Gray County as defined herein.
3. If a written complaint is presented to the Gray County Attorney by a concerned citizen regarding the existence of a public nuisance, then it shall be the responsibility of the Gray County Attorney to investigate the complaint, identify the offending property owner/owners, and inform them of the complaint against the property.
4. The Gray County Attorney shall provide written notice to the following:
 - (a) The owner, lessee, occupant, agent or person in charge of the premises; and
 - (b) The person responsible for causing a public nuisance on the premises when:
 - 1) that person is not the owner, lessee, occupant, agent or person in charge of the premises; and
 - 2) the person responsible can be identified.
5. The notice must state:
 - (a) the specific condition that constitutes a nuisance;
 - (b) that the person receiving notice shall abate the nuisance before the 31st day after the date on which the notice is served;

(c) that failure to abate the nuisance may result in:

- 1) abatement by Gray County;
 - 2) assessment of costs by Gray County against the person responsible for causing the nuisance when that person can be identified; and/or
 - 3) a lien against the property on which the nuisance exists, if the person responsible for causing the nuisance has an interest in the property;
- 1) Gray County may prohibit or control access to the premises to prevent a continued or future nuisance described by Section 343.011(c)(1), (6), (9), or (10); and
 - 2) that the person receiving notice is entitled to submit a written request for a hearing before the:
 - a) 31st day after the date on which the notice is served, if the person has not previously received a notice regarding a nuisance on the premises; or
 - b) 10th business day after the date on which the notice is served, if the person has previously received a notice regarding a nuisance on the premises.
6. The notice given by the Gray County Attorney must be made as follows:
- (a) by service in person or by registered or certified mail-return receipt requested; or
 - (b) if personal service cannot be obtained or the address of the person to be notified is unknown, by posting a copy of the notice on the premises on which the nuisance exists and by publishing the notice in the newspaper with general circulation in the county two times within 10 consecutive days.
7. Upon a timely written request delivered to the Gray County Judge before the 31st day after the date on which the notice is served, a hearing shall be scheduled before the Gray County Commissioners' Court or a board, commission, or official designated by the Gray County Commissioners' Court to conduct such hearing. Gray County may, before conducting a hearing, abate a nuisance under Section 343.011(c)(6) by prohibiting or controlling access to the premises on which the nuisance is located and installing a cover that cannot be opened by a child over the entire swimming pool, but only if Gray County conducts a hearing otherwise in accordance with Subsection (e) after the nuisance is abated.
8. Upon a finding the public nuisance exists and has not been timely abated, Gray County may:

- (a) assess the cost of abating the nuisance, including management, remediation, storage, transportation, and disposal costs, and damages and other expenses incurred by Gray County; the cost of legal notification by publication and an administrative fee of not more than \$100 on the person receiving notice under Section 343.022 of the Health and Safety Code; or
 - (b) by resolution or order, assess the cost of abating the nuisance, the cost of legal notification and an administrative fee of not more than \$100 against the property on which the nuisance exists.
9. Gray County may not make an assessment against property unless the owner or owner's agent receives notice of the nuisance in accordance with Section 343.022 of the Health and Safety Code.
 10. To obtain a lien against the property to secure an assessment, the Gray County Commissioners' Court must file a notice that contains a statement of cost, a legal description of the property sufficient to identify the property and the name of the property owner, if known, with the county clerk.
 11. Gray County's lien to secure an assessment attaches when the notice of lien is filed and is inferior to a previously recorded bona fide mortgage lien attached to the real property to which the county's lien attaches, if the mortgage was filed for record in the office of the county clerk before the date on which the county files the notice of lien with the county clerk.
 12. Gray County is entitled to accrued interest beginning on the 31st day after the date of the assessment against the property at the rate of 10 percent a year.
 13. The statement of costs or a certified copy of the statement of costs is prima facie proof of the costs incurred to abate the nuisance.
 14. Gray County officials, agents or employees charged with the enforcement of health, environmental, safety or fire laws may enter any premises in the unincorporated area of the county at a reasonable time to inspect, investigate or abate a nuisance or to enforce these procedures.
 15. Before entering the premises, the official, agent or employee must exhibit property identification to the occupant, manager, or other appropriate person.
 16. A court of competent jurisdiction in Gray County, Texas, may issue any order necessary to enforce these procedures authorized pursuant to Chapter 343 of the Health and Safety Code.
 17. In the event of failure of all measures stated herein to cure and abate the stated nuisance, the Gray County Commissioners' Court may order the removal and or destruction of any structure, outbuilding on the noticed property according to the Health and Safety Code, in compliance with this policy.

18. This Nuisance Abatement Policy contains the entire policy with respect to the matters covered herein and supersedes all prior nuisance abatement policies, commitments, agreements and writings with respect to the subject matter hereof.

APPROVED IN OPEN COURT on this the 15th day of November 2024 with a vote of 4 ayes and 0 nays.



Chris Porter

Chris Porter
Gray County Judge

Logan Hudson

Logan Hudson
Commissioner Precinct 1

Lake Arrington

Lake Arrington
Commissioner Precinct 2

John Mark Baggerman

John Mark Baggerman
Commissioner Precinct 3

Jeff Haley
Commissioner Precinct 4

Dee Dee Laramore

Attested by Dee Dee Laramore
Gray County Clerk

