**I. Purpose**
regulations concerning junk vehicles, weeds, grass, rubbish, and abatements within the corporate city limits of Hooks, Texas. The aim is to maintain public safety, health, and welfare, ensuring compliance with state and local law.

**II. Scope**
This policy applies to all properties within Hooks City Limits including residential, commercial, and industrial properties. It specifically addresses enforcement related to junk vehicles, overgrown weeds, grass, rubbish, and abatements required by Hooks ordinances.

**III. Legal Authority**
This policy is based on the authority granted to local governments under the following Texas laws:

* **Texas Local Government Code** (Chapter 54) for enforcement of municipal ordinances
* **Texas Health and Safety Code** (Chapter 341) for regulations related to sanitation and nuisances
* **Texas Transportation Code** (Sections 683.001 et seq.) for junk vehicles
* **Texas Penal Code** for violations related to nuisance offenses
* **Hooks City Code of Ordinances** concerning public nuisance, junk vehicles, weeds, and rubbish. Ordinance 90 (Junked vehicles), 92 (Nuisances).

**IV. Roles and Responsibilities**

* **Code Enforcement Officers:** Responsible for investigating complaints, conducting inspections, issuing notices, and ensuring compliance with local codes and ordinances.
* **Property Owners/Residents:** Responsible for maintaining properties free of junk vehicles, overgrown vegetation, rubbish, and other nuisances in compliance with applicable codes.
* **Public Works/Other Departments:** Responsible for assisting with abatements, including removal of junk vehicles, debris, and overgrown vegetation in extreme cases.

**V. Code Enforcement Process**

1. **Complaint Intake:**
	* Complaints regarding junk vehicles, weeds, grass, rubbish, and other nuisances may be submitted by residents, business owners, or code enforcement officers.
	* Complaints may be made in person, by phone, or via email.
	* Complaints are prioritized based on *severity* and potential hazards *to public health and safety.*
2. **Inspection:**
	* Code enforcement officers will inspect the property to verify whether a violation exists. Officers are authorized to enter properties in accordance with Texas law to perform inspections related to code violations.
	* Inspections will be scheduled within 1–5 business days of the complaint being received.
3. **Notice of Violation (NOV):**
	* If a violation is observed, a written NOV will be issued to the property owner or responsible party, listing the violation(s) and providing a reasonable period to correct the issue (typically 10 days depending on severity).
	* The NOV will specify the following:
		+ **Junk Vehicles:** A junk vehicle is defined as an inoperable vehicle, abandoned or partially dismantled and left exposed to public view. The NOV will require the removal of the vehicle or placement in an enclosed structure.
		+ **Weeds and Grass:** Weeds or grass in excess of 12 inches or more must be removed. The NOV will indicate the time allowed for corrective action.
		+ **Rubbish and Debris:** Accumulations of rubbish, trash, or debris that pose a health or safety hazard must be cleaned up and disposed of properly.
		+ **Abatement:** If violations are not corrected within the allotted time, the City may undertake abatement procedures, which may involve cleaning up the property, removing junk vehicles, or cutting down overgrown vegetation, with costs billed to the property owner.
4. **Follow-Up Inspection:**
	* Officers will perform a follow-up inspection to ensure compliance with the NOV. If corrective actions are not taken, further enforcement actions may be initiated.
5. **Enforcement Actions:**
	* **Fines:** If violations are not corrected within the specified time, fines may be imposed per the City of Hooks fine schedule. This may also include daily fines for ongoing non-compliance.
	* **Abatement Actions:** The City of Hooks may remove junk vehicles, cut overgrown grass, and clear rubbish from the property. The cost of such abatements will be added to the property tax account of the owner or the responsible party.
	* **Citation:** In cases where violations remain uncorrected, citations may be issued, and the case will be brought before the Municipal Court of Hooks.
	* **Legal Action:** In severe cases, legal action may be taken through the courts to enforce compliance. This could include obtaining a court order for the removal of junk vehicles or a mandatory cleanup of the property.

**VI. Definitions**

* **Junk Vehicle:** A vehicle that is inoperable, abandoned, partially dismantled, or otherwise considered a public nuisance under the Texas Transportation Code.
* **Weeds and Grass:** Vegetation that is overgrown 12 inches or more, creating a health or safety hazard.
* **Rubbish:** Includes waste materials such as trash, discarded furniture, appliances, and other debris that accumulates on the property and poses a threat to health or safety.
* **Abatement:** The removal or correction of a public nuisance, including the removal of junk vehicles, debris, or overgrown vegetation from a property.

**VII. Penalties and Fines**

* **Fines for Non-Compliance:** Fines will be issued for junk vehicles, weeds/grass violations, and rubbish violations as set forth by the City of Hooks Municipal Court.
	+ For junk vehicles, fines are $331.00 per day until the violation is corrected.
	+ For weeds/grass violations, fines are $331.00 per day until the violation is corrected.
	+ For rubbish violations, fines are $331.00 per day until the violation is corrected.
* **Abatement Costs:** If the City/County performs an abatement action, the costs for removal or cleanup will be billed to the property owner or the responsible party.

**VIII. Appeals Process**

* Property owners or residents who receive a NOV may appeal the citation to the City of Hooks Municipal Court within 10 days of the notice.
* The appeal must be in writing and will be heard at the next available public hearing or court session.

**IX. Public Awareness**

* The community will be informed about the requirements for maintaining properties free of junk vehicles, weeds, and rubbish through public service announcements, community workshops, and the City of Hooks website.
* Public outreach will also include providing resources on how to properly dispose of junk vehicles and waste.

**X. Confidentiality**

* Information about complaints, inspections, and enforcement actions will be handled confidentially per applicable Texas laws unless disclosure is required by law.

**XI. Review and Updates**

* This policy will be reviewed annually and updated as necessary to reflect changes in local ordinances, Texas law, or enforcement practice

**XII.** **Administrative search warrant**

Administrative search warrants are typically used in code enforcement to allow authorities to enter and inspect private property when there is reason to believe that the property is in violation of local laws, such as building codes, health codes, or nuisance ordinances (including junk vehicles, weeds, and rubbish). This kind of search warrant is different from a criminal search warrant, as it is used specifically for administrative inspections related to code enforcement and public safety.

**Overview of Administrative Search Warrants**

An administrative search warrant allows code enforcement officers or other regulatory authorities to enter and inspect a property to ensure compliance with local ordinances. These inspections are often done when there is suspicion of violations but the property owner has refused to allow access voluntarily.

**When Is an Administrative Search Warrant Needed?**

* When a property owner or resident refuses entry to a code enforcement officer who is investigating a suspected violation of local laws or ordinances (e.g., junk vehicles, overgrown weeds, or illegal dumping).
* When there is probable cause to believe a violation exists, but the owner is uncooperative or the violation is not readily visible from public spaces.
* When it is necessary to confirm compliance with a previously issued violation notice or abatement order.

**How to Obtain an Administrative Search Warrant in Texas**

Under Texas law, an administrative search warrant can be obtained by following the proper legal procedures, typically as outlined below:

1. **Probable Cause**:
Code enforcement officers must have probable cause to believe that a property is in violation of specific regulations or ordinances. Probable cause may be based on:
	* Complaints from the public.
	* Previous inspection findings.
	* Evidence or indicators that a violation exists (such as junk vehicles, hazardous waste, or overgrown vegetation).
2. **Application for Warrant**:
The code enforcement officer or authorized personnel will need to file an application for the warrant with a local judge or magistrate. The application must include:
	* A description of the property to be inspected.
	* The specific law or ordinance believed to have been violated.
	* The reason why access to the property is required for inspection.
	* Evidence or facts establishing probable cause that the violation exists.
3. **Affidavit**:
The officer will typically need to provide an affidavit, swearing to the facts that support the request for the search warrant. This affidavit will detail the nature of the violation and the basis for believing that a search is necessary.
4. **Issuance of the Warrant**:
If the judge or magistrate is satisfied that there is probable cause to believe that a violation exists and that access to the property is necessary, the judge will issue an administrative search warrant.
5. **Executing the Warrant**:
Once the warrant is issued, code enforcement officers may enter the property to conduct the inspection. This must be done in a reasonable manner and within the scope of the warrant (only inspecting the areas or items relevant to the alleged violations).
6. **Documenting Findings**:
Any findings during the inspection should be documented thoroughly, and photographs or other evidence may be collected. If violations are found, the officer may issue a notice of violation (NOV), cite the property owner, or begin further enforcement actions (e.g., abatement or fines).

**Key Considerations for Administrative Search Warrants in Texas**

* **Reasonableness**: The search must be reasonable. Officers cannot search areas that are not relevant to the suspected violation (e.g., a search of the interior of a home when the violation is related to an outdoor nuisance like junk vehicles or overgrown vegetation).
* **Notice**: In some cases, if access to the property is gained through a search warrant, a notice must be provided to the property owner or tenant explaining the reason for the inspection and any findings that will trigger enforcement action.
* **Compliance with Constitutional Protections**: While administrative search warrants are not as restrictive as criminal search warrants, they still need to comply with the Fourth Amendment of the U.S. Constitution, which protects against unreasonable searches and seizures. The search must be based on probable cause, and there must be specific, factual evidence supporting the request.