

**CITY OF LAVON**

**ORDINANCE NO. 2025-07-03**

Amending Article 4.09 of the Code of Ordinances - Habitual Criminal and Nuisance Properties

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 4 "BUILDING REGULATIONS" ARTICLE 4.09 "HABITUAL CRIMINAL AND NUISANCE PROPERTIES"; PROVIDING A PENALTY; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lavon ("City") has authority pursuant to Texas Local Government Code, Section 51.001, to adopt an ordinance that is for the good government, peace, or order of the City; and

**WHEREAS**, it is in the interest of the public health, safety, and welfare of the citizens of the City to regulate properties where certain criminal activity is prevalent; and

**WHEREAS**, in order to reduce and eliminate certain criminal activity, the City needs the cooperation of owners who own properties where persons habitually engage in criminal activity by having owners take affirmative steps to improve their properties; and

**WHEREAS**, "Crime Prevention Through Environmental Design" is a proven multidisciplinary approach to reducing criminal activity and can be adopted by owners to reduce criminal activity at their properties; and

**WHEREAS**, the City Council adopted Ordinance No. 2025-03-10 amending Chapter 4 "Building Regulations" Article 4.09 "Habitual Criminal and Nuisance Properties" of the City Code of Ordinances to regulate habitual criminal and nuisance properties; and

**WHEREAS**, the City Council has determined it is appropriate and in order to further amend the regulations to make minor adjustments to the current regulations; and

**WHEREAS**, the City Council finds that the adoption of this Ordinance will promote and provide for the health, safety, and welfare of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:**

**SECTION 1. INCORPORATION OF PREMISES.** The above and foregoing premises are: (i) true and correct and are incorporated herein and made a part of this Ordinance for all purposes; and (ii) legislative findings of the City Council.

**SECTION 2. FINDINGS.** After due deliberation and consideration, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety, and welfare.

**SECTION 3. AMENDMENT .** Chapter 4, "Building Regulations" Article 4.09, "Habitual Criminal and Nuisance Properties," of the City's Code of Ordinances is hereby amended by:

1. Adding the following definition to Section 4.09.002 "Definitions" after the definition of "Owner":

*"Stays or Resides.*

Any location where the subject has:

- 1) claimed as their address; or
- 2) is known to frequent on a regular basis; or
- 3) has stayed overnight on two (2) or more occasions within the last twelve (12) months

2. Replacing the period "." at the end of Section 4.09.004(a)(2) and adding a semicolon ";"; and
3. Adding subparagraphs "3", "4", "5", and "6" (below) after Section 4.09.004(a)(2):

"(3) Where a person regularly stays or resides that has been charged with Three (3) or more separate criminal charges of class "B" misdemeanor or above within the past twelve (12) calendar months; or

(4) Where two (2) or more persons regularly stay or resides that has been collectively charged with Three (3) or more separate criminal charges of class "B" misdemeanor or above within the past twelve (12) calendar months; or

(5) Where a person regularly stays or resides that has been charged with four (4) or more separate criminal charges of class "B" misdemeanor or above within the past twenty-four (24) calendar months; or

(6) Where two (2) or more persons regularly stay or resides that has been collectively charged with four (4) or more separate criminal charges of class "B" misdemeanor or above within the past twenty-four (24) calendar months."

**SECTION 4. SAVINGS/REPEALING CLAUSE.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. SEVERABILITY.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

**SECTION 6. PENALTY.** Any person, firm, corporation, or entity violating this Ordinance, as it exists or may be amended, shall be subject to the penalty provision described in added Section 4.09.009. Nothing in this Ordinance shall limit the remedies available to the City in seeking to enforce the provisions of this article or other law, and all remedies shall be cumulative and not exclusive.

**SECTION 7. PUBLICATION AND EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**SECTION 8. OPEN MEETING.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

**DULY PASSED and APPROVED** by the City Council of the City of Lavon, Texas, on the 15<sup>th</sup> day of July 2025.



Vicki Sanson  
Mayor

ATTEST:



Rae Norton  
City Secretary

