



VAN ZANDT COUNTY, TEXAS

ORDER ADOPTING ENHANCED ABATEMENT PROCEDURES FOR PUBLIC HEALTH NUISANCES AND PUBLIC HEALTH THREATS

Approved by the Van Zandt County Commissioners Court
March 13, 2026

SECTION 1. LEGISLATIVE FINDINGS

The Commissioners Court of Van Zandt County, Texas, makes the following findings:

1. Pursuant to Sections 121.003 and 121.021 of the Texas Health and Safety Code, the County has authority to enforce laws reasonably necessary to protect public health.
2. Chapter 343 of the Texas Health and Safety Code authorizes counties to identify, regulate, and abate public nuisances.
3. Conditions constituting public health nuisances pose immediate and long-term risks to the health, safety, welfare, and property values of residents.
4. Prompt abatement procedures, combined with procedural due process protections, are necessary to protect the public while preserving constitutional rights.
5. The procedures adopted herein are narrowly tailored to advance a compelling governmental interest in protecting public health.

SECTION 2. APPLICABILITY AND CUMULATIVE AUTHORITY

These procedures apply to public health nuisances and public health threats located in the unincorporated areas of Van Zandt County.

These procedures are cumulative of all remedies available under state law and do not limit the authority of law enforcement officers, the Local Health Authority, or any other official authorized by statute.

SECTION 3. INVESTIGATION AND NOTICE TO ABATE

(a) Upon receipt of credible information, the Fire Marshal's Office or other designated official shall investigate the alleged nuisance.

(b) If confirmed, a written Notice to Abate shall be issued to the owner, occupant, or responsible person.



(c) The Notice shall:

- i. Identify the property by legal description or address;
- ii. Describe the nuisance conditions with specificity;
- iii. Cite statutory authority;
- iv. Provide a reasonable compliance deadline;
- v. Provide notice of the right to request a hearing before the Commissioners Court;
- vi. State that failure to comply may result in county abatement, assessment of costs, lien, civil action, criminal citation, and other lawful remedies.

SECTION 4. SERVICE OF NOTICE

Notice shall be sent by certified mail, return receipt requested, to the owner's address as reflected in county tax records unless service is provided in person.

If service is unsuccessful, notice may be accomplished by posting and/or publication as permitted by law. Proof of service shall be retained.

SECTION 5. RIGHT TO HEARING

Any recipient of a Notice to Abate may request a hearing before the Commissioners Court within ten (10) days of receipt of notice.

The hearing shall provide an opportunity to present evidence and argument.

After hearing, the Commissioners Court may:

- (1) Dismiss the notice;
- (2) Modify compliance deadlines;
- (3) Issue written findings confirming the nuisance and ordering abatement.

Failure to request a hearing constitutes waiver of administrative review.

SECTION 6. DECLARATION OF PUBLIC HEALTH THREAT

If a nuisance remains uncorrected and poses substantial risk to public health, the Local Health Authority may issue a written declaration of Public Health Threat.

The declaration must include specific findings supporting the determination and may authorize emergency protective measures consistent with statutory authority.



SECTION 7. UTILITY COORDINATION

Upon written declaration of a Public Health Threat, and only where authorized by applicable law, the County may notify public utilities by certified mail of the declared threat.

Utilities may discontinue service only to the extent authorized by law and consistent with applicable regulatory requirements.

Utility discontinuation shall remain in effect only so long as the Public Health Threat determination remains active.

SECTION 8. COUNTY ABATEMENT AUTHORITY

If compliance does not occur within the ordered timeframe, the Commissioners Court may authorize entry onto the property to abate the nuisance consistent with constitutional and statutory requirements.

The County may utilize personnel, contractors, equipment, law enforcement assistance, and environmental remediation services as necessary.

SECTION 9. COST RECOVERY AND LIEN

(a) Recoverable costs include but are not limited to:

- i. Personnel time;
- ii. Administrative overhead;
- iii. Equipment usage;
- iv. Contractor expenses;
- v. Environmental remediation costs;
- vi. Publication costs;
- vii. Attorney's fees were authorized by law;
- viii. Court costs;
- x. Expert or consultant fees.

(b) The Commissioners Court may assess costs against the responsible person and/or the property.

(c) If assessed against the property, a Notice of Lien shall be filed containing:

- i. Statement of costs;
- ii. Legal description;
- iii. Owner name if known.



(d) The lien attaches upon filing and accrues interest at ten percent (10%) per annum beginning on the 31st day after assessment.

(e) The County's lien shall be inferior only to previously recorded bona fide mortgage liens as provided by statute.

SECTION 10. CIVIL AND CRIMINAL REMEDIES

(a) The County may pursue all lawful remedies including:

- i. Civil suit for debt;
- ii. Foreclosure of lien;
- iii. Injunctive relief;
- iv. Criminal prosecution where authorized;
- v. Recovery of attorney's fees were permitted by law.

Remedies are cumulative and not exclusive.

SECTION 11. RELEASE OF LIEN

Upon full satisfaction of assessed amounts, including interest and recoverable costs, the County Judge or designee may execute a Release of Lien following review by the Criminal District Attorney.

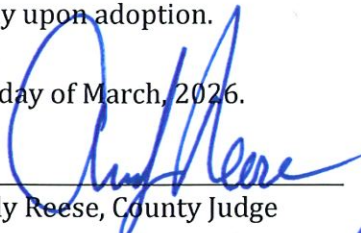
SECTION 12. SEVERABILITY

If any provision is held invalid, the remaining provisions shall remain in full force and effect.

SECTION 13. EFFECTIVE DATE

This Order takes effect immediately upon adoption.


PASSED AND APPROVED this 13th day of March, 2026.



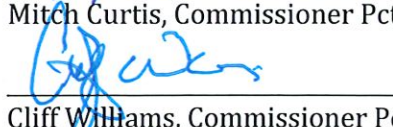
Andy Reese, County Judge



Mitch Curtis, Commissioner Pct. 1



Bobby Phillips, Commissioner Pct. 3



Cliff Williams, Commissioner Pct. 2



Brandon Barton, Commissioner Pct. 4