

TOP STORY

## Breaking the code

Heights man loses property after repeated ordinance violations, but some residents question whether enforcement process is fair

Rachael Riley | Herald staff writer  
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Harker Heights Code Enforcement Officer Eric Moree said Wednesday, Sept. 24, 2014, that a dead tree can become a code enforcement problem if it isn't properly removed from a property. Harker Heights, like neighboring cities, has ordinances that regulate the appearance of property, including landscaping, fences and junk vehicles. Moree said much of his time is spent educating property owners to resolve problems before citations are issued and fines come in to play. But people who fail to comply with the rules can eventually lose their property, as one resident did this month.

Bryan Correia | Herald

**HARKER HEIGHTS** — A resident's properties were sold this month after officials said ordinance violations resulted in excessive fees.

Paul Ball, an 85-year-old Korea and Vietnam veteran, had three properties taken away from him, his grandson, Steve Dodge, said.

Dodge said although his grandfather's properties were valued at more than \$132,000, they were auctioned Sept. 2 for about \$28,000 to pay off \$45,000 in fines his family thinks were unfairly imposed.

"I guarantee (the purchasers) knew the situation, because they personally tried to make him low offers before," Dodge said. "The properties sold for nowhere near a drop in the bucket of what they're worth."

In the weeks leading up to the auction, Ball said the matter started when he applied for a permit to put a fence in front of his automotive garage shop.

Ball, a resident of Heights since 1958, claimed he was told he could put up a 6-foot fence. His family members said when he applied for the permit, nothing was written about the height of the fence.

However, City Manager David Mitchell said ordinances regarding fence stipulations are on the books requiring how high a fence in front of the property should be. A front-yard fence height is different than a backyard fence height, he added.

The fence ordinance restricts side-yard height to 4 feet, which helps first-responders see house numbers if there's an emergency call and also prevents motorists' views from being obstructed, Mitchell said.

"While I do feel for Mr. Ball and his situation, there are certain things that should have been taken care of along the way," he said.

Ball said he took care of the fence and hired attorneys to fight the case, but lost.

Dodge said the case caused his grandfather to file for bankruptcy to prevent his properties from being foreclosed on due to the fines, which he said Ball paid.

Ball said he was then fined \$963 for vehicles he claims are licensed and registered as antiques.

"I said, 'I'm not going to pay it because I'm not guilty,'" he said.

Ball said if one of his vehicles is in violation, he'll pay the fines.

In an email, Stormie Gordon said she is Ball's neighbor and sat in court proceedings in which a \$50 payment plan was set up.

Gordon said she does not consider the vehicles to be antique.

"I can barely see to get out of my driveway because of all his junked vehicles he has parked around his house and in the street," Gordon said. "It brings down the property value of my home."

In a 2013 interview with the Herald, Bernice Cochran, who lived on the street, said she didn't think Ball's lots were eyesores.

"Those places are all he has left in this world, and when they take that, he will have nothing, so I don't know what the problem is," Cochran said.

### **what is junk?**

Mitchell said ordinances also in place following state guidelines that define a "junked" vehicle.

"A lot of people think it has to be wrecked, mangled, but unfortunately state law calls it a junked vehicle if it doesn't run, if it doesn't have current tags and plates and things are out of date on it," he said.

Ball and his family said they don't understand why he is in violation and other properties in the city seem to have worse violations.

Dodge said he'd like to see a group of residents, who aren't happy with how ordinances are handled, meet and discuss the process.

In an email, Michelle Cyr-Gillilan, who lives near Nola Ruth Boulevard, said it seems certain neighborhoods and people are targeted. "For instance, there is an abandoned business/building on Nola Ruth that is falling apart and the grass and shrubs are never taken care of. There is no taped complaint on this building."

Area resident Paul Kuhn said he and his wife were originally given permission to put up a canopy, but were later fined for having a gazebo.

"There are a number of people in (Harker Heights) fed up with the city's double standards," Kuhn said.

Mitchell said 95 percent of the cases in the city are dealt with voluntarily before someone is issued a citation.

In the case of vehicles, Mitchell said they can be on one lot one month and another the next.

Code enforcement officials are bound by law in which violations they see must be from a public right of way.

"We have some complaints sometimes, but we can't go up and peek through somebody's fence," Mitchell said.

There's a due process period to work with residents to take care of a situation before a citation is issued, and notices are sent out, he said.

"You have them there to protect those life safety issues," Mitchell.

According to data from the city's Code Enforcement Department, from January to August, the city noted 86 vehicle violations and 24 fence violations. The city has 198 open code violations, 27 liens on property. Heights has 1,549 closed cases.

Eric Moree, one of Harker Heights' code officials, said code enforcement tries to work with property owners to educate them.

For example, Moree said some cities pick up bulk items at the curb, but Harker Heights does not. Grass also can't be blown into the street because it creates a problem if it gets into the city's drainage system.

If the property owner isn't there, notices are left to let them know what the violation is and options to fix it, Moree said. "A lot of it's a notification process — (letting) them know what our code is compared to where they may have lived before."

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## Ordinances by city

### Harker Heights

- According to Chapter 92, an antique auto is a passenger truck 35 or more years old.

A junked vehicle includes vehicles that have an unexpired license late, or no inspection is wrecked, dismantled or partially dismantled, is inoperable or has remained inoperable for more than 30 consecutive days on private property, is detrimental to public safety, creates a fire hazard or is a public nuisance.

An exemption is if it is screened from public view.

Junked vehicles should be abated no later than 10 days after a notice is mailed, the ordinance states.

- Chapter 93 states high grass growing more than 12 inches or creating a "fire hazard, an unsanitary condition, or become a harborage for rodents, vermin or other disease-carrying pests" is a violation along with storing rubbish.
- Chapter 150 states on properties five acres or larger, fences can be greater than 5 feet, fences zoned in residential areas can not exceed 6 feet and fences built as a side-yard fences should not exceed 4 feet.

### Killeen

- According to Chapter 18, it is unlawful for property owners or occupants in city limits to accumulate high weeds, grass or brush considered a health and fire hazard. Properties two acres or less may not have weeds or grass exceeding a 12-inch height. Properties more than 2 acres can't exceed the same height within 50 feet adjacent to public streets, rights of way or lots occupied by a residence and business.

Chapter 18 also says it is unlawful to accumulate litter, trash or rubbish.

Individuals are given seven days from a written notice to remove the nuisance.

- Antique vehicles are cars or trucks at least 25 years old, and junked vehicles are ones displaying expired license plates, invalid inspection certificates, not displaying a license plate, wrecked, dismantled or partially dismantled, or discarded and inoperable for more than 30 days on private property, is detrimental to public safety, reduces private property value, invites vandalism, is a public nuisance and creates fire hazards unless screened from public view. Owners are given no more than 10 days to abate the nuisance.

- Chapter 31 states front-yard fences in A-R1 and B-1 can have a maximum height of 5 feet, not permitted in the right of way or sight distance triangle areas. Fences more than 4 feet can't be opaque, or solid wood, or constructed from chain link. Side yard fences can have a maximum of 7 feet and not exceed 6 feet if chain link, and rear yard fences can have a maximum of 8 feet and not be constructed with chain link if exceeding 6 feet.

### Copperas Cove

- Chapter 18 states it is unlawful to maintain "a fence, sign or other structure, or hedge, tree, shrub or any other form of vegetation on residential property" causing visual obstructions to traffic in public streets or highways.
- Chapter 8 states a person with weeds, grass, brush of vegetation greater than 12 inches 50 feet from a public street, residence or business or 30 feet from an adjacent property under different ownership is committing an offense as well as if they permit stagnant water, junk, garbage that becomes a fire hazard or harbor for rodents.
- Chapter 9 states an antique car is a passenger car or truck manufactured in 1925 or before or is at least 35 years old.

Junked vehicles are ones without a valid license plate or inspection certificate that are wrecked, abandoned, dismantled, partially dismantled, not operable for more than 45 days and not surrounded by a privacy fence.