

Ordinance

#27

Replaced by

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ORDINANCE No. 27

AN ORDINANCE REQUIRING WEEDS AND GRASS TO BE CUT UPON PREMISES AND THAT RUBBISH AND TRASH BE REMOVED THEREFROM, AND FIXING A PENALTY FOR FAILURE TO COMPLY WITH SUCH ORDINANCE, AND PROVIDING THAT SAME SHALL BE DONE BY THE CITY IN THE EVENT OF SUCH FAILURE AND PROVIDING FOR THE FIXING OF A LIEN UPON THE PROPERTY FOR THE EXPENSE INCURRED IN REMOVING AND DECLARING THAT ALLOWING WEEDS TO GROW AND TRASH AND RUBBISH TO ACCUMULATE TO BE A NUISANCE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WALLIS:

Section 1. It shall be unlawful for any owner, lessee, occupant or any person in charge of any premises in the City of Wallis to allow weeds to grow upon the premises, or trash or rubbish to accumulate upon said premises to such an extent as is reasonably calculated to create a fire hazard or calculated to become injurious to the health of the citizens of Wallis, and either act is hereby declared to constitute a public nuisance.

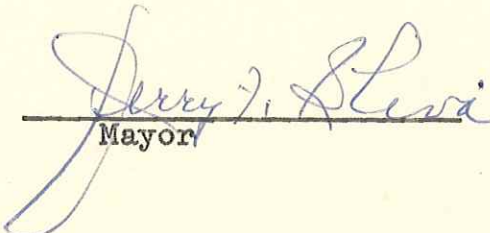
Section 2. Whenever weeds are allowed to grow, or trash or rubbish allowed to accumulate upon any premises of the City of Wallis as prohibited by this ordinance the Councilmen shall hear evidence and determine whether or not such accumulation of rubbish and trash or the growth of weeds thereon, or both, are sufficient to constitute a nuisance as herein defined, and if they so find, they shall pass a resolution declaring that the growth of weeds or accumulation of trash and rubbish upon such premises, or both, constitutes a public nuisance, and shall order same removed by the owner, occupant, lessee or person in charge of such premises, within ten days from the date such notice is given.

Section 3. In the event the owner of the premises upon which is located a nuisance as prohibited by this ordinance cannot be found or served with notice, and there does not appear to be any person of such premises or occupancy, or in the event the nuisance is not abated by cutting the weeds and removing the trash and rubbish or either of them, as the case may be, then said nuisance shall be abated by the City of Wallis, and the expense incurred, which shall include salary and wages of all employees, and reasonable charge for machinery and tools, vehicles, etc., used in abating said nuisance shall be a personal charge against owner of said premises and shall be assessed as a lien against the property on which such nuisance is located and removed therefrom, and shall be due and payable to the City Tax Collector the following tax paying period, that is the first day of March following the date at which such nuisance is abated and failure to pay when due shall cause a ten per cent penalty to be added and same shall bear interest from the date the same is due, at the rate of six per cent per annum.

ORDINANCE No. 27 (cont.)

Section 4. Failure to cut weeds and remove trash and rubbish or to do either of them when notified to do so, as set out in this ordinance by any party obligated to do so by this ordinance, shall be punished by a fine in any sum not exceeding fifty dollars (\$50.00) and each day that such nuisance shall continue after the time for abatement as herein set out shall constitute a separate offense.

Passed and approved this the 23rd day of June A. D. 1975.



Mayor

ATTEST:




City Secretary

AMENDED ORDINANCE NO. 27

AN ORDINANCE REQUIRING WEEDS AND GRASS TO BE CUT UPON PREMISES AND THAT RUBBISH AND TRASH BE REMOVED THEREFROM, AND FIXING A PENALTY FOR FAILURE TO COMPLY WITH SUCH ORDINANCE, AND PROVIDING THAT SAME SHALL BE DONE BY THE CITY IN THE EVENT OF SUCH FAILURE AND PROVIDING FOR THE FIXING OF A LIEN UPON THE PROPERTY FOR THE EXPENSE INCURRED IN REMOVING AND DECLARING THAT ALLOWING WEEDS TO GROW AND TRASH AND RUBBISH TO ACCUMULATE TO BE A NUISANCE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WALLIS:

Section 1. It shall be unlawful for any owner, lessee, occupant or any person in charge of any premises in the City of Wallis to allow weeds to grow upon the premises, or trash or rubbish to accumulate upon said premises to such an extent as is reasonably calculated to create a fire hazard or calculated to become injurious to the health of the citizens of Wallis, and either act is hereby declared to constitute a public nuisance.

Section 2. Whenever weeds are allowed to grow, or trash or rubbish allowed to accumulate upon any premises of the City of Wallis as prohibited by this ordinance the Councilmen shall hear evidence and determine whether or not such accumulation of rubbish and trash or the growth of weeds thereon, or both, are sufficient to constitute a nuisance as herein defined, and if they so find, they shall pass a resolution declaring that the growth of weeds or accumulation of trash and rubbish upon such premises, or both constitutes a public nuisance, and shall order same removed by the owner, occupant, lessee or person in charge of such premises. It shall be the duty of the chief of police to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this ordinance and to demand the abatement of the nuisance within twenty-one (21) days.

Section 3. In the event the owner of the premises upon which a nuisance is located (as prohibited by this ordinance) cannot be found or served with notice, and there does not appear to be any person on such premises or occupany, or in the event the nuisance is not abated by cutting the weeds and removing the trash and rubbish or either of them, as the case may be, then said nuisance shall be abated by the City of Wallis, and the expense incurred, which shall include salary and wages of all employees, and reasonable charge for machinery and tools, vehicles, etc., used in abating said nuisance shall be a personal charge against owner of said premises and shall be assessed as a lien against the property on which such nuisance is located and removed therefrom, and shall be due and payable to the City Tax Collector the following tax paying period, that is the first day of March following the date at which such nuisance is abated and failure

to pay when due shall cause a ten per cent penalty to be added and same shall bear interest from the date the same is due, at the rate of six per cent per annum.

Section 3b. Whenever a bill for such charges remains unpaid for sixty days after it has been rendered, the clerk may file with the recorder of deeds of Austin County, Texas, a statement of lien claim. This statement shall contain a legal description of the premises, the expense and costs incurred and the date the weeds were cut, and a notice that the city claims a lien for this amount.

Notice of such lien claim shall be mailed to the owner of the premises if his address is known.

Provided, however, that failure of the clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following section.

Property subject to a lien for unpaid charges shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure sale shall be in equity in the name of the city.

The city attorney, under supervision of the Mayor and City Council, is hereby authorized and directed to institute such proceedings, in the name of the City, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid sixty days after it has been rendered.

Section 4. Failure to cut weeds and remove trash and rubbish or to do either of them when notified to do so, as set out in this ordinance, shall be punished by a fine in any sum not exceeding fifty dollars (\$50.00) and each day that such nuisance shall continue after the time for abatement as herein set out shall constitute a separate offense. It shall be the duty of the police chief to issue citation for such fines and to initiate prosecution through the municipal court in accordance with the rules and regulations, ordinances, and state statutes regulating misdemeanor offenses under the municipal court jurisdiction in the State of Texas.

Passed and approved this the 7th day of September, 1982.

Frank B. Petter
FRANK B. PETTER, Mayor

ATTEST:

By: Betty Marek
BETTY MAREK, City
Secretary

APPROVED:

By: [Signature]
V.O. "BUTCH" GARDEN, JR.
Attorney for City