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ORDINANCE NO. 2003-8

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS, PROVIDING FOR UNSANITARY, UNSIGHTLY, ETC., CONDITIONS ON PRIVATE PREMISES REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AFTER THE 6th DAY OF May, 2003.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS:

HEALTH AND SANITATION

UNSANITARY, UNSIGHTLY, ETC., CONDITIONS ON PRIVATE PREMISES

Sec. 1 Prohibited conditions designated--Stagnant water.

It shall be unlawful for any person, firm, or corporation who owns or occupies any lot in the city to permit or allow holes or places where water may accumulate and become stagnant to be or to remain on such lot or to permit or allow the accumulations of stagnant water thereon or to permit the same to remain thereon.

Sec. 2 Same--Accumulation of trash, carrion, filth, etc.

It shall be unlawful for any person, firm, or corporation who owns or occupies any house, building, establishment, lot or yard in the city to permit or allow any trash, rubbish, carrion, filth or other impure or unwholesome matter to accumulate or remain thereon or therein.

Sec. 3 Same--Weeds and other unsightly vegetation.

It shall be unlawful for any person, firm, or corporation owning, claiming, occupying, or having supervision or control of any premises within the city, whether occupied or unoccupied, to permit weeds, grass, brush, or other objectionable or unsightly vegetation to grow to a height greater than twelve (12) inches within seventy-five (75) feet of any structure such growth shall be presumed to be "objectionable and unsightly" within the meaning of this section, and shall further be deemed a fire hazard and a danger to public health.

Sec. 4 Duty to correct .

It shall be the duty of any person, firm corporation, partnership, association of persons, owner, agent, or occupant, or anyone having supervision or control of any lot, tract, or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the city to cut, or cause to be cut, and remove

or caused to be removed, as necessary to comply with sections 1, 2, and 3 of this article, all such stagnant water, grass, weeds, plants, rubbish, brush, and any and all objectionable, unsightly, or unsanitary matter, of whatever nature, as often as is necessary to comply with the provisions of this article.

Sec. 5            Notice to correct or remove condition.

In the event that any person, firm, or corporation owning, claiming, occupying or having supervision or control of any real property permits any condition to exist thereon in violation of this article, the city may notify such person, firm, or corporation of his failure to comply and direct him to correct, remedy or remove such condition within ten (10) days after such notice. Such notice shall be sent to the person, firm, or corporation at his post office address by regular mail. If the person's, firm's, or corporation's address is unknown or if notification may not be obtained by letter, then notice may be given by publication in any two (2) issues within ten (10) consecutive days in any daily, weekly, or semiweekly newspaper in comply with such notice.

Sec. 6            Correction or removal of condition by city.

If any person, firm, or corporation notified as provided in section 4 fails or refuses to correct, remedy or remove the condition specified in such notice ten (10) days after the date of notification by letter or within ten (10) days after the date of the second publication of notice in the newspaper, the city may go upon the property and do such work or make such improvements as are necessary to correct, remedy or remove such condition. The expense incurred pursuant to this section in correcting the condition of such property, and the cost of notification shall be paid by the city and charged to the owner of such property. In the event that the owner fails or refuses to pay such expense within thirty (30) days after the first day of the month following the one in which the work was done, the city shall file with the county clerk a statement of the expenses incurred. When such statement is filed, the city shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten (10) percent; from the date the city incurs the expense. For any such expense and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expense filed with the county clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work, all as more particularly specified in Article 4436, Vernon's Annotated Texas Civil Statutes, which is hereby adopted.

Sec. 7            Penalty for violation of article.

Any person, firm, or corporation who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not to exceed two hundred dollars(\$200.00); and each offense and each day's continuance of failure to comply with these provisions shall constitute a separate and distinct offense. This section shall be in addition to the provision for abatement of said

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condition and charging the cost of same against the owner of the premises by the city.

IF ANY SECTION, CLAUSE, OR PHRASE OF THIS ORDINANCE SHALL BE HELD FOR ANY REASON TO BE ILLEGAL, ULTRA VIRES OR UNENFORCEABLE FOR ANY REASON, THEN SUCH INVALIDITY SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

THIS ORDINANCE SHALL SUPERSEDE ANY ORDINANCES IN CONFLICT HERewith AND SUCH PRIOR CONFLICTING ORDINANCES OR PARTS THEREOF ARE HEREBY REPEALED TO THE EXTENT THAT THEY CONFLICT WITH THIS ORDINANCE.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE 6th DAY OF May, 2003.

PASSED AND APPROVED THIS THE 6th DAY OF May, 2003.

Gary Cline  
Mayor

ATTEST:

Mary Grance  
City Secretary