

ORDINANCE NO. 73-8

AN ORDINANCE PROVIDING FOR NOTICE TO OWNERS AND/OR AGENTS OF PROPERTY ON WHICH WEEDS OR GRASS TO A GREATER HEIGHT THAN TWELVE (12) INCHES MAY BE GROWING OR ALLOWING RUBBISH OR TRASH TO ACCUMULATE, BY THE CITY SECRETARY; PROVIDING THAT IN THE EVENT THAT SAID OWNER FAILS OR REFUSES TO CUT SUCH WEEDS, OR UPON REQUEST AND AUTHORIZATION, THAT THE CITY WILL RAKE, CUT AND REMOVE SAID WEEDS; PROVIDING THAT THE CITY SECRETARY OF THE CITY OF CUMBY WILL ACCOMPLISH SUCH CUTTING, RAKING AND REMOVING BY CITY WORK FORCES, OR BY THE USE OF AN AUTHORIZED INDEPENDENT CONTRACTOR; PROVIDING FOR A CHARGE; PROVIDING THAT THE TAX COLLECTOR OF THE CITY OF CUMBY SHALL BILL AND COLLECT THIS CHARGE FROM THE OWNER/OR AGENT OF THE AFFECTED PROPERTY; PROVIDING FOR A LIEN AGAINST THE AFFECTED PROPERTY; PROVIDING FOR A SAVINGS CLAUSE: AND, PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CUMBY, TEXAS.

Section 1. It shall be unlawful for any owner, lessee, occupant or any person in charge of any premises in the City of Cumby to allow weeds or grass to grow upon the premises to a height greater than twelve (12) inches, 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 Cumby, and either act is hereby declared to constitute a public nuisance.

Section 2. Whenever grass or weeds are allowed to grow to a greater height than twelve (12) inches, or trash or rubbish allowed to accumulate upon any premises of the City of Cumby as prohibited by this ordinance the Board of Commissioners 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 five days from the date such notice is given: notice to be given by the City Secretary by registered mail addressed to such owner and/or agent at his Post Office address, or by publication as many as two (2) times within ten (10) consecutive days.

Section 3. In the event the owner of the premises upon which is located a nuisance as prohibited by this ordinance can not 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 Cumby.

Section 4. A charge of \$25.00 for each cutting, raking and removal of said grass, weeds, trash or rubbish shall be levied, assessed and collected against such property each time such cutting, raking and removal of said weeds shall be performed, where the area does not contain 7,500 square feet. On tracts of land that exceed 7,500 square feet, an additional charge of \$2.50 shall be levied, assessed and collected for each additional 1,000 square feet or the major portion thereof. In the event that there are unusual obstructions such as trees, shrubs, bushes, brush, excavations, foundations of demolished structures or any other similar impediment, an additional charge can be levied, assessed and collected against such premises for the actual additional cost resulting from said obstructions.

The charges provided for herein shall be levied, assessed and collected by the Tax Collector of the City of Cumby, and if any person shall fail to pay such charges so assessed within thirty (30) days after proper notice, the Collector of Taxes of the City of Cumby will file, with the County Clerk of Hopkins County, Texas, a statement by the City Secretary, setting out the expenses that the City has incurred pursuant to the provisions of this Article, and the City of Cumby shall thereby perfect a Privileged Lien on the property involved, second only to tax liens and liens for street improvements, to secure the expense to the City, together with ten (10%) percent interest from the date such payment is due.

Section 5. That this Ordinance shall become effective immediately upon its passage.

Passed and approved this the 6th day of February A.D. 1973.

APPROVED

John Smith
Mayor

ATTEST:

APPROVED AS TO FORM:

[Signature]
City Secretary

[Signature]
City Attorney