

ORDINANCE #88-4

AN ORDINANCE PROVIDING FOR NOTICE TO OWNERS AND/OR AGENTS BY THE CITY SECRETARY OF PROPERTY ON WHICH WEEDS OR GRASS ARE GROWING TO A GREATER HEIGHT THAT TWELVE (12) INCHES OR ALLOWING RUBBISH OR TRASH TO ACCUMULATE; PROVIDING THAT IN THE EVENT THAT SAID OWNER FAILS OR REFUSES TO CUT SUCH WEEDS, THE WORK FORCES OF THE CITY OF CUMBY OR AN INDEPENDENT CONTRACTOR HIRED BY THE CITY MAY CUT SAID WEEDS; 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 LEIN 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, TX:

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 \$40.00 for each cutting of said grass or weeds or removal of said trash or rubbish shall be levied, assessed and collected against such property each time such cutting 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 Prividedged 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. If any section, part or provision of this ordinance is declared unconstitutional or invalid, then in that event, it is expressly provided, and it is the intention of the City Commission in passing this ordinance, that other parts of this ordinance shall not be affected thereby and shall remain in full force and effect.

Section 6. All other ordinances and parts of ordinances in conflict with the terms of this ordinance are hereby expressly repealed.

Section 7. That this Ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 16 day of May, 1988.

  
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MAYOR

ATTEST:

  
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CITY SECRETARY