

AMENDED ORDINANCE #74-6-CUMBY, TEXAS SEPTEMBER 17, 1974

ORDINANCE #92-6

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, REGULATING NUISANCES, PROVIDING FOR DEFINITION OF WORDS AND PHRASES, PROVIDING ABATEMENT OF SUCH NUISANCES, PROVIDING A PENALTY, SPECIALLY REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith AND DECLARING AN EMERGENCY.

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

SECTION 1. DEFINITIONS - The term "dangerous building" as used in this article is hereby defined to mean and include:

- (a) Any building, shed or fence, or other man-made structure which is dangerous to the public health because of its condition and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures.
- (b) Any building, shed or fence, or other man-made structure which because of faulty construction, age, lack of proper repair or any other cause is especially liable to fire and constitutes or creates a fire hazard.
- (c) Any building, shed or fence, or other man-made structure, which by reason of faulty construction or other cause is liable to cause injury or damage by collapsing or by collapse or fall on any part of such structure.
- (d) Any building, shed or fence, or other man-made structure which because of its condition or because of lack of doors or windows is available to or frequented by malfactors or disorderly persons who are not lawful occupants of such structure

SECTION 2. NUISANCES ENUMERATED -

- (a) Dangerous buildings. Any such dangerous building (as

defined in Section 1) in the city is hereby declared to be a nuisance. It shall be unlawful to maintain or permit the existence of any dangerous building in the city; it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

- (b) Obstruction, pollution of watercourses. It shall be unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of water supply in the city.
- (c) Pools of stagnant water. Any stagnant pool of water in the city is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control.
- (d) Uncovered refuse, etc. It shall be unlawful for any person, firm or corporation to deposit anywhere in the city limits of the City of Cumby any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Such refuse must be taken to the city dump or must be buried at least two (2) feet below the surface of the ground or burned in properly disposed of. Any uncovered pile of refuse is hereby declared to be a nuisance.
- (e) Unsheltered storage of old, unused, etc. objects and and equipment. Unsheltered storage of old, unused, abandoned or discarded objects or equipment such as

furniture, stoves, refrigerators, freezers, cans, containers and the like as well as scattered or deposited lumber, junk, trash or debris and other personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) within the corporate limits of this city is hereby declared to be a nuisance, unlawful and dangerous to the public health and welfare.

SECTION 3. ABATEMENT -

(a) Notice. It shall be unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his, her or its control. The building inspector, fire marshal, or city health officer are each hereby authorized to abate any such nuisance existing in the city, whether such nuisance is specifically recognized by ordinance or not. Provided, however, that whenever the building inspector, fire marshal, or the health officer shall be of the opinion that any building or structure in the city is a dangerous building or is of the opinion that a nuisance exists in the city limits, he shall file a written statement to this effect with the city secretary. The city secretary shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by certified mail. Such notice shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it and that the condition must be remedied at once or that such a situation exists that is

a nuisance and that same should be remedied at once. Such notice may be in the following terms.

To _____ (owner - occupant of premises)
of known and described as _____.

You are hereby notified that _____
(description of building) on the premises above mentioned
has been condemned as a nuisance and a dangerous
building after inspection by _____.

Or (as the case may be) you are hereby notified that _____
_____ (describe the situation) on the premises above
mentioned has been condemned as a nuisance after inspection
by _____.

The causes for this decision are _____
(here insert the facts as to the dangerous condition).

You must begin to remedy this condition or demolish the
the building (as the case may be) within thirty (30) days
or the City of Cumby will proceed to do so.

(b) Failure to comply with notice or take appeal. If the
person receiving the notice has not complied therewith or taken an
appeal from the determination of the officer or employee finding
that a dangerous building exists or that a nuisance exists as the
case may be, within thirty (30) days from the time when this notice is
served upon such person by certified mail, the building inspector
may, upon the orders of the city commission, after due consideration,
proceed to remedy the condition or nuisance and/or to demolish the
dangerous building as the case may be. Should said condition or
nuisance be remedied by the City of Cumby at its own expense or by
contracting the removal or remedy of same, a lien for said costs and
expenses of removal or remedy of said nuisances or conditions, is

hereby authorized and created to be assessed and levied against the realty upon which condition or nuisance existed, and the city finance officer or other appropriate official shall cause written notice of said lien in a form required by law, to be duly recorded in the appropriate public records of Hopkins County, Texas, and said lien as long as same remains unpaid shall draw interest at the highest rate of interest allowed by law.

SECTION 4. REPAIR, REMOVAL OF FRAME BUILDINGS, STRUCTURES DAMAGED TO EXTENT OF FIFTY PER CENT - Any frame building or structure in the city limits of the City of Cumby, which has or may be damaged by fire, decay or other causes to the extent of fifty per cent (50%) of its value shall be torn down and removed, or rebuilt as the owner desires.

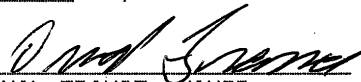
SECTION 5. PENALTY FOR VIOLATION -Any person, firm, or corporation violating any provision of this article or permitting any dangerous building or other building or structure to remain in a dangerous condition or to permit a nuisance to remain in the city limits without remodeling as above provided for, after it has been damaged to the extent of fifty per cent (50%) of its value and due notice given to the owner as provided in Section 3 above, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 6. SAVINGS CLAUSE - That 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 7. REPEALING CLAUSE - All other ordinances and parts of ordinances in conflict with the terms of this ordinance are hereby expressly repealed.

SECTION 8. DECLARING AN EMERGENCY - Whereas, an emergency is apparent for the immediate preservation of order, health, safety, and general welfare thereof, it shall be effective from and after the date of its passage and publication as made and provided by law.

PASSED AND APPROVED THIS 4TH DAY OF AUGUST, 1992.


ORVAL FRANCE, MAYOR
CITY OF CUMBY, TEXAS

ATTEST:


CITY SECRETARY