

Replaced By Ord 192

ORDINANCE NO. ~~113~~ ~~240~~

AN ORDINANCE AMENDING ORDINANCE NO. 84 OF THE CODE OF ORDINANCES OF THE CITY OF BEVIL OAKS; AND PROVIDING FOR REGULATION OF GARBAGE, TRASH, WASTE AND OTHER REFUSE ON PUBLIC AND PRIVATE PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF BEVIL OAKS AND REGULATING GRASS, LEAVES, SHRUBS, WEEDS, BRUSH, AND OTHER DEBRIS WITHIN SAID CITY; AND PROVIDING A PENALTY AND SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF BEVIL OAKS

Section 1. Ordinance No. 84 of the Code of Ordinances of the City of Bevil Oaks is hereby in all things amended.

Section 2. DEPOSITING GARBAGE, TRASH, WASTE, OF REFUSE ON PUBLIC OR PRIVATE PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF BEVIL OAKS: It shall be unlawful for any person to discard, sweep, throw or deposit any leaves, shrubs, garbage, trash, or refuse, animal waste, stagnant water, dead animals, or any other filthy substance of any kind into, upon, or along any ditch, drain, gutter, sidewalk, street, alley, or vacant lot or upon any public or private premises within the property limits of the City of Bevil Oaks. It shall be unlawful for any person, the owner, lessee, or occupier of any dwelling, building, or other premises to accumulate, or permit to be accumulated and remain, any garbage, trash, waste or refuse, animal waste, or other filthy substances upon such premises owned or occupied by such persons.

Section 3. PERMITTING GROWTH OF WEEDS ON LOTS OR PREMISES: It shall be unlawful and is hereby declared to be a public nuisance for any person, partnership, or corporation, including the occupants, owner, agents or representatives or any non-resident owner of any lot, tract or piece or parcel of land or any part thereof, or any other premises, whether vacant or occupied, within the City to allow grass, weeds, or bush of any description to grow, flourish or remain thereon whether actually growing or not, within 100 feet of the property line of developed property, without having same cut and at all times cut short to a height not greater than twelve inches (12") on an average from the surface of the ground or in rank profusion.

Section 4. PERMITTING DEBRIS TO ACCUMULATE ON PREMISES: It shall be unlawful and is hereby declared to be a public nuisance for any person, partnership, or corporation, including the occupants, owners, agents or representatives of any non-resident owner of any lot, tract or piece or parcel of land or any part thereof, or any other premises, whether vacant or occupied, within the City to place or permit to remain on the premises within 200 feet of the property line of developed property, limbs, trees, logs, poles, wire, cross-ties, wood material and wood products, metal material and metal products of any kind whatsoever in an unsightly, objectionable, or unsanitary manner on said premises.

Section 5. It shall be the duty of the Marshall of the City of Bevil Oaks to notify the owner and/or agent of any premises within the City which is in violation of terms of this Ordinance to abate the nuisance within fifteen (15) days. This notice shall be in writing and may be served on the owner and/or agent by handing it to him in person, by certified mail, addressed to such owner and/or agent at his post office address, or by publication as many as two times within ten consecutive days.

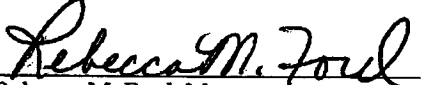
Section 6. Should the owner of any lot, or premises upon which grass, weeds, or brush of any description, limbs, trees, logs, poles, wire, cross-ties, wood material and wood products, metal material and metal products and other debris of any kind whatsoever, have grown or have been permitted to grow or have accumulated or been permitted to accumulate in violation of this Ordinance, fail or refuse to cut, remove, pickup, clean up, or otherwise abate the nuisance as provided in this Ordinance within fifteen (15) days after notice, as provided herein, the Marshal is hereby authorized to cause said weeds, grass, brush of any description, limbs, trees, logs, poles, wire, cross-ties, wood material and wood products, metal material and metal products and other debris of any kind whatsoever, to be cut, removed, and the nuisance abated at the expense of the City, on the account of said owner, and to assess the expense thereof on the real estate upon which such expense is incurred. The Marshal is authorized to affix his signature to the statement of the expenses incurred by the City in abating the nuisance under this section and to file a statement of expense as a lien against the premises which are in violation of said Ordinance at the County Clerk's Office ^{of Justice of the Peace Office} of the County. The statement of expenses shall, in addition to giving the amount of such

shall remain unpaid for a period of ninety (90) days after the date of the mailing of the bill, the City shall file a statement of each bill and the reasons therefore with the County Clerk of the county in which the property is located. From the date of filing, the City shall have a lien on the parcel upon which the expenses are incurred, second only to tax liens and liens for street improvement. The amount of debt shall accumulate interest at a rate of ten percent (10%) per annum from the date on which payment was due. Suit may be instituted and recovered by foreclosure and such lien may be had in the name of the City, and statement of expenses so made as aforesaid, or a certified copy thereof, shall be prima facie evidence of the amount expended for such work or improvements.

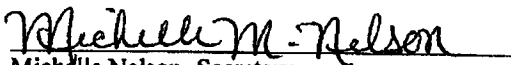
SECTION 10. Upon conviction for violation of any of the provisions of this Ordinance, any person, firm or corporation, shall be fined in any sum not less than One Dollar (\$1.00) and not to exceed Two Hundred Dollars (\$ 200.00), for each offense and each day such violation continues shall constitute a separate offense.

SECTION 11. That if any section, subsection, sentence, clause or phrase of the Ordinance, or the application of the same to particular set of persons or circumstances, should for any reason be held to be invalid, such invalidity shall in no way affect the remaining portions of this Ordinance and to such end the various portions and provisions of this Ordinance are declared to be severable.

PASSED AND APPROVED this 29 day of June, 2006


Rebecca M. Ford, Mayor
City of Bevil Oaks, Texas

Attest:


Michelle Nelson, Secretary
City of Bevil Oaks, Texas