

ORDINANCE NO. 84

AN ORDINANCE REPEALING ORDINANCE NO. 2 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, 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 Ordinance No. 2 of the Code of Ordinances of the City of Bevil Oaks is hereby in all things repealed.

Section 2. DEPOSITING GARBAGE, TRASH, WASTE OR 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 garbage, trash, waste or refuse, stagnant water, dead animals, or 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, 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, owners, 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 brush 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, crossties, 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 Marshal of the City of Bevil Oaks to notify the owner and/or agent of any premises within the City which is in violation of the 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, crossties, 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 expenses as a lien against the premises which are in violation of said Ordinance at the County Clerk's Office of the County. The statement of expenses shall, in addition to giving the amount of such expense, provide the date upon which such work was done. The City shall have a privileged lien upon such real estate upon which said work was done and improvements

made to secure the expenditures so made, and in accordance with the provisions of Article 4436, Vernon's Annotated Civil Statutes, which lien shall be second only to tax liens and liens for street improvements, and such amount shall bear ten percent (10%) interest from the date the statement was filed, for any such expenditure and interest as aforesaid. Suit may be instituted and recovered by foreclosure and such lien may be had in the name of the City, and a 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.

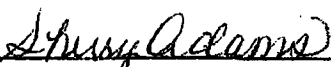
Section 7. Any person, firm or corporation, who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof in the Justice Court, shall be fined in any sum not to exceed Two Hundred Dollars (\$200.00), and each offense and each day such violation continues shall constitute a separate offense.

Section 8. That if any section, subsection, sentence, clause or phrase of this Ordinance, or the application of the same to a 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 11 day of November, 1988.


JAMES SHULTS, MAYOR
CITY OF BEVIL OAKS, TEXAS

ATTEST:


SHERRY ADAMS, CITY SECRETARY
CITY OF BEVIL OAKS, TEXAS