

ORDINANCE # 70

AN ORDINANCE REGULATING HEALTH & SANITATION IN THE CITY OF TUSCOLA

ARTICLE I: UNSANITARY & UNSIGHTLY CONDITIONS ON PRIVATE PROPERTY

PROHIBITED CONDITIONS DESIGNATED; NOTICE TO OWNER TO REMOVE OR REMEDY CONDITION; NOTIFICATION PROCEDURE; CORRECTION OR REMOVAL OF CONDITIONS BY CITY; FILING OF STATEMENT OF EXPENSES; COLLECTION BY LIEN.

WHEREAS, IN ORDER TO ENFORCE REASONABLE RULES FOR HEALTH, SAFTY & SANITATION. THIS ORDINANCE BE WRITTEN; AND

WHEREAS: STAGNANT WATER, ACCUMULATION OF WEEDS AND RUBBISH, AND UNSIGHTLY AND UNSANITARY CONDITIONS ARE DEEMED DETRIMENTAL TO THE HEALTH AND WELFARE OF THE CITIZENS OF TUSCOLA, TEXAS; AND

WHEREAS; BUILDINGS PROVIDING EXTENSIVE HARBORAGE FOR RATS AND OTHER RODENTS CREATE HEALTH HAZARDS; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCOLA, TEXAS: THAT THIS ORDINANCE BECOME EFFECTIVE UPON ITS READING AT A REGULAR COUNCIL MEETING:

ARTICLE II: UNSANITARY AND UNSIGHTLY CONDITIONS ON PRIVATE PROPERTY

SECTION 1: PROHIBITED CONDITIONS DESIGNATED

A. STAGNANT WATER. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY LOT OR OTHER PREMISES IN THE CITY TO ALLOW OR PERMIT HOLES OR PLACES WHERE WATER MAY ACCUMULATE AND BECOME STAGNANT TO BE OR REMAIN ON SUCH LOT OR PREMISES, OR TO ALLOW OR PERMIT THE ACCUMULATION OF STAGNANT WATER THEREON, OR TO PERMIT THE SAME TO REMAIN THERON.

B. ACCUMULATION OF CARRION, FILTH, ECT. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY LOT, BUILDING, HOUSE,

ESTABLISHMENT, OR PREMISES IN THE CITY TO ALLOW OR PERMIT ANY CARRION, FILTH OR ANY OTHER IMPURE OR UNWHOLESOME MATTER OF ANY KIND TO ACCUMULATE OR TO REMAIN THEREON.

C. GROWTH OR ACCUMULATION OF WEEDS AND RUBBISH
IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY LOT OR PREMISES IN THE CITY TO PERMIT OR ALLOW WEEDS, TALL GRASS, RUBBISH, JUNK, BRUSH OR ANY OTHER UNSIGHTLY, OBJECTIONABLE, OR UNSANITARY MATTER OF WHATEVER NATURE TO ACCUMULATE OR REMAIN ON SUCH LOT OR PREMISES. WEEDS OR GRASS GROWING TO THE HEIGHT OF TWELVE (12) INCHES OR MORE WILL BE DEEMED UNSIGHTLY, OBJECTIONABLE, AND UNSANITARY.

SECTION 2: NOTICE TO OWNER TO REMOVE OR REMEDY CONDITION.

WHENEVER ANY CONDITION DESCRIBED IN THIS ORDINANCE IS FOUND TO EXIST ON ANY PREMISES WITHIN THE CITY, THE OWNER OF SUCH PREMISES SHALL BE NOTIFIED IN WRITING BY THE CITY TO CORRECT, REMEDY, OR REMOVE THE CONDITION WITHIN TEN (10) DAYS AFTER SUCH NOTICE, AND IT SHALL BE UNLAWFUL FOR ANY PERSON TO FAIL TO COMPLY WITH SUCH NOTICE.

SECTION 3: NOTIFICATION PROCEDURE

THE NOTICE PROVIDED FOR IN SECTION 2 SHALL BE SERVED PERSONALLY ON THE OWNER TO WHOM IT IS DIRECTED OR SHALL BE GIVEN BY LETTER ADDRESSED TO SUCH OWNER AT HIS LAST KNOWN POST OFFICE ADDRESS. IN THE EVENT PERSONAL SERVICE CANNOT BE MADE AND THE OWNER'S ADDRESS IS UNKNOWN, SUCH NOTICE SHALL BE GIVEN BY A PUBLICATION OF AT LEAST TWO (2) TIMES WITHIN FOURTEEN (14) CONSECUTIVE DAYS IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE CITY.

SECTION 4: CORRECTION OR REMOVAL OF CONDITIONS BY THE CITY

IN THE EVENT THAT THE OWNER OF ANY LOT OR PREMISES UPON WHICH A CONDITION DESCRIBED IN THE ORDINANCE WITHIN TEN(10) DAYS AFTER NOTICE TO DO SO IS GIVEN IN ACCORDANCE WITH THIS ORDINANCE, THE CITY MAY DO SUCH WORK OR MAKE SUCH IMPROVEMENTS AS ARE NECESSARY TO CORRECT, REMEDY, OR REMOVE SUCH CONDITION, OR CAUSE THE SAME TO BE DONE AND PAY THEREFOR, AND CHARGE THE EXPENSES INCURRED THEREBY TO THE OWNER OF SUCH LOT. SUCH EXPENSES SHALL BE ASSESSED AGAINST THE LOT OR REAL ESTATE UPON WHICH THE WORK WAS DONE OR THE IMPROVEMENTS WERE MADE. THE

DOING OF SUCH WORK BY THE CITY SHALL NOT RELIEVE SUCH PERSON FROM PROSECUTION FOR FAILURE TO COMPLY WITH SUCH NOTICE IN VIOLATION OF THIS ORDINANCE.

SECTION 5: FILING OF STATEMENT OF EXPENSES

WHENEVER ANY WORK IS DONE OR IMPROVEMENTS ARE MADE BY THE CITY UNDER THE PROVISIONS OF SECTION 4, THE MAYOR, ON BEHALF OF THE CITY, SHALL FILE A STATEMENT OF THE EXPENSES INCURRED THEREBY WITH THE COUNTY CLERK. SUCH STATEMENTS SHALL GIVE THE AMOUNT OF SUCH EXPENSES AND THE DATE OR DATES ON WHICH THE WORK WAS DONE OR THE IMPROVEMENTS WERE MADE.

SECTION 6: COLLECTION BY LIEN.

AFTER THE STATEMENT PROVIDED FOR IN SECTION 5 IS FILED, THE CITY SHALL HAVE A PRIVILEGED LIEN ON THE LOT OR REAL ESTATE UPON WHICH THE WORK WAS DONE OR IMPROVEMENTS WERE MADE TO SECURE THE EXPENSES THEREON. SUCH LIEN SHALL BE SECOND ONLY TO TAX LIENS AND LIENS FOR STREET IMPROVEMENTS, AND THE AMOUNT THEREOF SHALL BEAR INTEREST AT THE RATE OF TEN PERCENT (10 %) PER ANNUM FROM THE DATE THE STATEMENT WAS FILED. FOR ANY SUCH EXPENDITURES AND INTEREST, SUIT MAY BE INSTITUTED AND RECOVERY AND FORECLOSURE OF THE LIEN MAY BE HAD IN THE NAME OF THE CITY, AND THE STATEMENT OF EXPENSES MADE IN ACCORD WITH THIS ORDINANCE, OR A CERTIFIED COPY THEREOF, SHALL BE *PRIMA FACIE* PROOF OF THE AMOUNT EXPENDED FOR SUCH WORK OR IMPROVEMENTS.

ARTICLE III: PENALTY AND SEVERABILITY

SECTION 1: PENALTY

ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR, AND UPON CONVICTION, SHALL BE SUBJECT TO A FINE OF \$250- ammend 9-2-2014. EACH TRANSACTION IN VIOLATION OF ANY OF THE PROVISIONS HEREOF SHALL BE DEEMED A SEPARATE OFFENSE.

SECTION 2: SEVERABILITY IT IS HEREBY DECLARED TO BE THE INTENTION OF THE CITY COUNCIL THAT THE SECTIONS, PARAGRAPHS, SENTENCES, CLAUSES, AND PHRASES OF THIS ORDINANCE ARE SEPARABLE, AND, IF ANY PHRASE, CLAUSE, SENTENCE, PARAGRAPH, OR SECTION SHALL BE DECLARED UNCONSTITUTIONAL OR INVALID BY THE VALID JUDGMENT OR DECREE OF ANY COURT OF COMPETENT JURISDICTION, SUCH UNCONSTITUTIONALITY OR INVALIDITY SHALL NOT AFFECT ANY OF THE REMAINING PHRASES, CLAUSES, SENTENCES,

ORDINANCE #70-A, AMMEND ORDINANCE #70
AN ORDINANCE REGULATING HEALTH & SANITATION IN THE CITY OF TUSCOLA

WHEREAS, ON THE 2nd DAY OF SEPTEMBER, 2014 THE CITY COUNCIL OF THE CITY OF TUSCOLA, TEXAS VOTED TO AMMEND ORDINANCE #70, AN ORDINANCE REGULATING HEALTH & SANITATION IN THE CITY OF TUSCOLA.

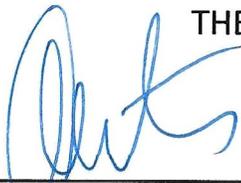
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCOLA, TEXAS AS FOLLOWS:

ARTICLE III: PENALTY AND SEVERABILITY

SECTION 1: PENALTY

ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MIDEMANOR, AND UPON CONVICTION, SHALL BE SUBJECT TO A FINE \$250.00 EACH TRANSACTION IN VIOLATION OF ANY OF THE PROVISIONS HEREOF SHALL BE DEEMED A SPARATE OFFENSE.

PASSED BY AN AFFIRMATIVE VOTE OF ALL MEMBERS OF THE CITY COUNCIL THIS
THE 2ND DAY OF SEPTEMBER, 2014.



DALE MARTIN, MAYOR



GENNY ABERCROMBIE, CITY SECRETARY

THE ABOVE AND FOREGOING ORDINANCE WAS READ, PASSED, AND ADOPTED AT THE MEETING OF THE GOVERNING BODY OF THIS CITY ON THE _____ DAY OF _____, 2010, BY THE FOLLOWING VOTE:

	AYE	NO
<u>Bill Jerry</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Chuck R. [Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Genny Abercrombie</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Francis May [Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

STATE OF TEXAS:

COUNTY OF TAYLOR:

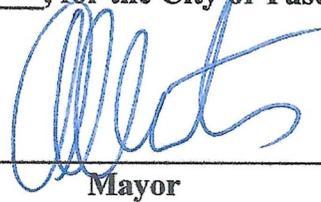
I, THE UNDERSIGNED, CITY SECRETARY OF THE CITY OF TUSCOLA, TEXAS DO CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE # 70, PASSED AND APPROVED THE 6 DAY OF December 2010, AS SAME APPEARS IN THE OFFICIAL RECORDS OF THE CITY OF TUSCOLA, TEXAS, OF WHICH RECORDS I AM LAWFUL CUSTODIAN.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF TUSCOLA, TEXAS, THIS THE 6 DAY OF December, 2010.

Billie Poace
SECRETARY FOR THE CITY OF
TUSCOLA, TEXAS

PARAGRAPHS, OR SECTIONS OF THIS ORDINANCE, SINCE THE SAME WOULD HAVE BEEN ENACTED BY THE CITY COUNCIL WITHOUT THE INCORPORATION IN THIS ORDINANCE OF UNCONSTITUTIONAL OR INVALID PHRASES, CLAUSES, SENTENCES, PARAGRAPHS, OR SECTIONS.

PASSED BY AND ADOPTED BY THE CITY COUNCIL, this 6 day
of December, 20 10, for the City of Tuscola, Texas.



Mayor



City Secretary