

ORDINANCE NO. 77-C

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO 77-B; AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF WEST ORANGE, TEXAS BY PROVIDING FOR THE CLEANING OF ANY BUILDING OR PREMISES OF FILTH, CARRION OR OTHER IMPURE AND UNWHOLESOME MATTER; REQUIRING OWNERS OR OCCUPANTS OF LOTS IN THE CITY OF WEST ORANGE, TEXAS TO KEEP SAID LOTS AND ADJACENT DITCHES, RIGHTS-OF-WAY, ETC. FREE FROM WEEDS, RUBBISH, BRUSH AND OTHER UNSIGHTLY OR UNSANITARY MATTER; PROVIDING FOR NOTICE TO BE GIVEN TO OWNERS OF PREMISES IN CASE OF FAILURE OF OWNER TO MAKE LOTS OR PREMISES SANITARY AND SIGHTLY; THAT THE SAME MAY BE DONE AT THE EXPENSE OF THE CITY OF WEST ORANGE, TEXAS; PROVIDING FOR PENALTY IN VIOLATION HEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE, TEXAS:

Ordinance number 77-B of the Code of Ordinances of the City of West Orange, Texas is hereby repealed and replaced with the following Ordinance 77-C in its entirety:

Section 1. Unlawful Accumulations.

A. It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building, establishment, lot or yard in the City of West Orange, Texas to permit or allow any carrion, filth or other impure or unwholesome matter to accumulate or remain thereon.

B. It shall be unlawful for any person, firm or corporation who shall own or occupy any lots in the City of West Orange, Texas to allow weeds, (12") twelve inches or longer, rubbish, brush or any other unsightly, objectionable or unsanitary matter to accumulate or grow on said lot or lots, marshlands, timberlands, active pasture lands, adjacent sidewalk(s), adjacent parkways, adjacent ditches, adjacent right(s)-of-way and/or, adjacent alleyway(s). Unimproved tract of land larger than one (1) acre in size are excepted.

Section 2. Violations; Remedy by City.

A. Should any owner or occupant of any premises or building upon which carrion, filth or other impure or unwholesome matter may fail or refuse to remove to remove such filth, carrion or other impure or unwholesome matter, as the case may be, or any owner or occupant of such lot or lots or premises who shall allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to grow or accumulate thereon, or fail or refuse to cut down or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter, as the case may be, within ten (10) days after notice to said owner or occupant to do so, in writing, or by letter addressed to such owner at his last known address, or within ten (10) days after notice by publication as many as two (2) times within ten (10) consecutive days in any newspaper in the city, this shall constitute a violation of this ordinance,

B. The City may remove such filth, carrion, or any other unsightly, objectionable or unsanitary matter, or the City may cut down or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter, or cause the same to be done and may pay therefore, and charge the expenses incurred in doing such work, plus an administrative fee of fifty dollars (\$50), or having such work done or improvements made at the expense of the City of West Orange, Texas, then all of such expense or expenses, plus an administrative fee of fifty dollars (\$50) shall be mailed to the property owner shown on the tax roll at the time of service. The statement of expenses shall, in addition to stating the amount of such expense, provide the date upon which such work was done and a description of the lot or premises upon which such work was done. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred

by the City in doing the work or making the improvements and of proper notices as required by this article.

C. Payment is due and is considered delinquent if not received within thirty (30) days of the due date on the statement of account from the city.

D. If payment is not made within ninety (90) days of such delinquency, the city's authorized agent is hereby authorized to add a lien assessment fee of fifty dollars (\$50.00) to the statement of expenses incurred by the city in the cutting and removal of weeds, grass or uncultivated plants under this section and to file said statement of expenses as a lien at the county clerk's office against the premises which are in violation of this article.

E. The lien obtained by the City is security for the expenditures made and interest shall accrue at the rate of ten (10) percent annually on the unpaid balance due from the date of payment by the city.

F. The City shall have a privileged lien upon such lot or real estate upon which such work was done or improvements made to secure the expenditure so made, in accordance with provision of Health and Safety Code, section **343.023**.

G. The City may bring a suit for foreclosure in the name of the City to recover the expenditures and interest due.

Section 3. Repeat Offenses.

A. If the owner or occupant commits another violation by allowing weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter to grow or accumulate on the property in violation of this ordinance within twelve (12) months after the date of the notice of the original violation, and the city has not been informed in writing by the owner of a change in ownership of the property, the City, without further additional notice, may immediately refer the violation to Municipal Court and/or correct the violation at the owner's expense.

Section 4. Penalty for Violations.

A. Any person, firm, partnership or corporation violating any provision of this article shall be fined, for each offense, an amount not to exceed that allowed by State Law for the enforcement of City Ordinance violations, and each and every day's violation shall constitute a separate and distinct offense.

PASSED, APPROVED AND AUTHENTICATED this the 11th day of June, 2018.


Roy C. McDonald, Mayor

ATTEST:


Theresa Van Meter, City Secretary

APPROVED:


Rex Peveto, City Attorney

