

4-13-99

ORDINANCE NO. 104

AN ORDINANCE PROHIBITING STAGNANT WATER, FILTH, WEEDS AND RUBBISH AND OTHER UNSIGHTLY MATTER WITHIN THE CITY OF THRALL, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Thrall, Texas, has determined there is a need for prohibition of stagnant water, filth, weeds and rubbish within the City limits of Thrall, Texas; and

WHEREAS, the prohibition of stagnant water, filth, weeds and rubbish within the City limits of Thrall, Texas, will be in the best interest of the public health, safety, and general welfare of the citizens of Thrall, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THRALL, TEXAS:

SECTION 1.

All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. PLACES WHERE WATER MAY ACCUMULATE PROHIBITED

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Thrall, Texas, to permit or allow holes or places on said lots where water may accumulate and become stagnant, or to permit same to remain.

SECTION 3. ACCUMULATION OF STAGNANT WATER PROHIBITED

It shall be unlawful for person, firm or corporation who shall own or occupy any lot or lots in the City of Thrall, Texas, to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

SECTION 4. ACCUMULATION OF ANY CARRION, FILTH OR OTHER UNWHOLESOME MATTER PROHIBITED

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 Thrall, Texas, to permit or allow any carrion, filth or other impure or unwholesome matter to accumulate or remain thereon.

SECTION 5. ACCUMULATION OF WEEDS, BRUSH, ETC., PROHIBITED

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Thrall, Texas, to allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to accumulate or grow on said lot or lots.

SECTION 6. OWNER TO ABATE NUISANCES WITHIN TEN (10) DAYS AFTER NOTIFICATION

Any owner of such lot or lots that:

- a. have places thereon where stagnant water may accumulate and/or which are not properly drained,
- b. have any premises or building upon which carrion, filth or other impure or unwholesome matter may be and/or,
- c. allow weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter to grow or accumulate thereon shall abate said nuisance within ten (10) days after the City gives written notice. The notice shall be in the form of a letter addressed to the owner at his post office address or by publication two (2) times within ten (10) consecutive days in any newspaper in Williamson County.

SECTION 7. CHARGES FOR REMOVAL BY CITY TO BE ASSESSED TO OWNER

In the event owner cannot be notified or fails to abate the nuisances after notification, then the City of Thrall, Texas, may fill or drain, remove filth, carrion, or cut down and/or remove weeds, rubbish, brush, or any other unsightly, objectionable or unsanitary matter, or cause the same to be done. The charge and expenses incurred by the City in doing the work or having the work done or in making improvements to remove the nuisance from the lot, lots or real estate shall be assessed to the owner of the lot, lots or real estate upon which the expense was incurred.

SECTION 8. CITY TO HAVE PRIVILEGED LIEN

The Mayor or City Health Officer of the City of Thrall, Texas, shall cause a statement of any expenses incurred under Section 7. of this Ordinance to be filed by giving the name of the property owner, improvements, the amount of the expenses, the date on which the work was done or improvements made and a legal description of the property, with the County Clerk of Williamson County, Texas.

The City of Thrall, Texas, shall have a privileged lien on the lot or lots or real estate upon which the work was done or improvements made to secure the expenditures so made, in accordance with the provisions of V.T.C.A. Health and Safety Code Section 342.006, as now written or hereafter amended, which lien shall be second only to tax liens and liens for street improvements, and the amount shall bear ten percent (10%) interest from the date the statement was filed. It is further provided that for any expenditures and interest suit may be instituted and recovery and foreclosure of the lien may be had in the name of the City of Thrall, Texas; and the statement or expenses so made or a certified copy thereof, shall be prima facie proof of the amount expended for the work or improvements.

SECTION 9. LIABILITY OF CORPORATION

In case the owner or occupant of any lot, lots or real estate under the provisions of this Ordinance shall be a corporation, and shall violate any provisions of this Ordinance, the President, Vice-President, Secretary, Treasurer of the corporation shall be also severally liable for the penalties provided in this Ordinance.

SECTION 10. SEVERABILITY CLAUSE

The provisions of this Ordinance are severable, and if any sentence, section or other part of this Ordinance should be found to be invalid, the invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 11. REPEALING CLAUSE

All other ordinances, parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

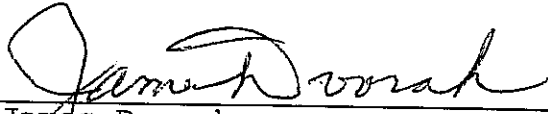
SECTION 12. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Thrall, Texas, shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day said violation is continued shall constitute a separate offense.

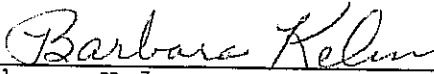
SECTION 13. PUBLICATION

The City Secretary is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law.


PASSED AND APPROVED this 13th day of April, 1999, by a vote of 2 "Ayes" and 1 "Nos" with 3 members of Council present and voting.


James Dvorak
Mayor

ATTEST:


Barbara Kelm
City Secretary

APPROVED AS TO FORM:

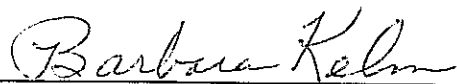

Ted W. Hejl
City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Barbara Kelm, being the current City Secretary of the City of Thrall, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 104, passed and approved by the City Council of the City of Thrall, Texas, on the 13th day of April, 1999, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place, and subject thereof, was posted as prescribed by Government Code Section 551.043.

Witness my hand and seal of office this 13th day of April, 1999.


Barbara Kelm, City Secretary