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AN ORDINANCE REQUIRING WEEDS AND GRASS TO BE CUT UPON PREMISES AND THAT RUBBISH AND TRASH BE REMOVED THEREFROM: PROVIDING FOR HEARING OF EVIDENCE TO DETERMINE WHETHER A NUISANCE EXISTS AND PROVIDING FOR NOTICE TO BE GIVEN TO THE OWNER, LESSEE, OCCUPANT OR PERSON IN CHARGE OF SUCH PREMISES; AND FIXING A PENALTY FOR FAILURE TO COMPLY WITH SUCH ORDINANCE, AND PROVIDING THAT SAME MAY BE DONE BY THE CITY IN THE EVENT OF SUCH FAILURE AND PROVIDING FOR THE FIXING OF A LIEN UPON THE PROPERTY FOR THE EXPENSE INCURRED IN REMOVING AND DECLARING THAT ALLOWING WEEDS TO GROW AND TRASH AND RUBBISH TO ACCUMULATE TO BE A NUISANCE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BAYSIDE;

Section 1: It shall be unlawful for any owner, lessee, occupant or any person in charge of any premises in the Town of Bayside to allow weeds to grow upon the premises, or trash or rubbish to accumulate upon said premises to such an extent as is reasonably calculated to create a fire hazard or calculated to become injurious to the health of the citizens of Bayside, and either act is hereby declared to constitute a public nuisance.

Section 2: Whenever weeds are allowed to grow, or trash or rubbish to accumulate upon any premises of the Town of Bayside as prohibited by this ordinance the Town Council shall, after due notice has been given as hereinafter provided, hear evidence and determine whether or not such accumulation of rubbish and trash or the growth of weeds thereon, or both, are sufficient to constitute a nuisance as herein defined, and if they so find, they shall pass a resolution declaring that the growth of weeds or accumulation of trash and rubbish upon premises, or both, constitute a public nuisance, and shall order same removed by the owner, lessee, occupant or person in charge of such premises, within 15 days from the date such notice is given.

Section 3: Notice of such hearing shall be given to any such owner, lessee, or other person in charge of any such premises, at least then (10) days before the hearing of any evidence for the purpose of determining whether or not a nuisance exists upon any such property as defined in Section 2 above. Any notice required to be given by this ordinance shall be given to any owner, lessee, occupant or any person in charge of any premises, by personal notice in writing delivered to any such owner, lessee, occupant or any person in charge of such premises, or by letter deposited in the United States Mail, addressed to the last known address of any such owner, lessee, occupant or person in charge of such premises, or if any such owner, lessee, occupant or person in charge of such premises cannot be found or his or her address is unknown, then such notice may be given by publication of such notice two (2) times within ten (10) consecutive days, as provided in Article 4436 as amended, Vernon's Revised Texas Civil Statutes.

Section 4: In the event the owner, lessee, occupant or person in charge of the premises upon which is located a nuisance as prohibited by this ordinance can not be found or served with notice, and there does not appear to be any person of such premises or occupancy, or in the event the nuisance is not abated by cutting the weeds and removing the trash and rubbish or either of them, as the case may be, then said nuisance may be abated by the Town of Bayside, and the expense incurred, which shall include salary and wages of all employees, and reasonable charge for machinery and tools, vehicles, etc., used in abating said nuisance shall be a personal charge against owner of said premises and shall be assessed as a lien

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against the property on which such nuisance is located and removed therefrom, and shall be due and payable to the City Tax Collector the following tax paying period, that is, the first day of November following the date at which such nuisance is abated and failure to pay when due shall cause a ten percent penalty to be added and same shall bear interest from the date the same is due, at the rate of six per cent per annum. Said lien shall be second only to tax liens and liens for street improvements, and suit may be instituted and recovery and foreclosure of said lien may be had in the name of the Town of Bayside.

Section 5: Failure to cut weeds and remove trash and rubbish or to do either of them when notified to do so, as set out in this ordinance by any party obligated to do so by this ordinance, shall be punished by a fine in any sum not exceeding \$100. and each day that such nuisance shall continue after the time for abatement as herein set out shall constitute a separate offense.

PASSED AND APPROVED this the 10 day of April, 1978.

Billy R. F. L.  
Mayor

ATTEST:

C. H. C. Hick  
Town Secretary