Ordinance No. 2-79

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF WELLS, TEXAS, BY PROVIDING FOR THE FILLING UP AND DRAINAGE OF LOTS THAT SHALL HAVE UNWHOLESOME PLACE OR PLACES WHERE STAGNANT WATER MAY ACCUMULATE THEREON; THE CLEANING OF ANY BUILDINGS OR PREMISES OF FILTH, CARRION OR OTHER IMPURE AND UNWHOLESOME MATTER; REQUIRING OWNERS OR OCCUPANTS OF LOTS IN THE CITY OF WELLS TO KEEP SAID LOTS FREE FROM WEEDS, RUBBISH, BRUSH AND OTHER UNSIGHTLY OR INSANITARY MATTER; PROVIDING FOR NOTICE TO BE GIVEN TO OWNERS OF PREMISES IN CASE OF FAILURE OF OWNER TO MAKE LOTS AND/OR PREMISES SANITARY AND SIGHTLY THAT THE SAME MAY BE DONE AT THE EXPENSE OF THE CITY OF WELLS; PROVIDING FOR THE FIXING OF A LIEN AGAINST SUCH LOTS FOR SUCH IMPROVEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed by the City Council of the City of Wells, Texas, that it is dangerous to the public health for lots in the City of Wells to have places thereon where stagnant water may accumulate, and for filth, carrion or other impure and unwholesome matter to accumulate on lots in said city and that it is dangerous to public health and constitutes a fire hazard to have weeds, brush, rubbish, and other unsightly and insanitary matter on lots in the City of Wells; and

WHEREAS, it is expressly provided by the provisions of Article 4436, Revised Civil Statutes of Texas, that cities shall have the power to correct the evils hereinbefore recited.

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

SECTION 1. That it shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Wells, 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 2. It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Wells, Texas to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

SECTION 3. It shall be unlawful for any person, firm or corporation who shall own or occupy any house, buildings, establishment, lot or yard in the City of Wells to permit or allow any carrion, filth or other impure or unwholesome matter to accumulate or remain thereon.

SECTION 4. It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Wells, Texas, to allow weeds, rubbish, brush or any other unsightly, objectionable or insanitary matter to accumulate or grow on said lot or lots.

SECTION 5. Should any owner of such lot or lots that have places thereon where stagnant water may accumulate and/or which are not properly drained, or the owner of any premises or building upon which carrion, filth or other impure or unwholesome matter may be fail and/or refuse to drain and/or fill the same lot or lots, or remove such filth, carrion or other impure or unwholesome matter, as the case may be, within ten days after notice to said owner to do so, in writing, or by letter addressed to such owner at his postoffice address or within ten days after notice by publication as many as two times within ten consecutive days in any newspaper in Texas, if personal service, may not be had as aforesaid, or if the owner's address be not known; then in that event, the City of Wells, Texas, may do such filling or draining, or removal of filth, carrion, etc., or any other unsightly, objectionable or insanitary matter, or cause the same to

be done and may pay therefore and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or lots or real estate, and if such work is done or improvements made at the expense of the City of Wells, Texas, then such expense or expenses shall be assessed on the real estate, or lots upon which such expense was incurred.

SECTION 6. Should any owner of any lot or lots within the City of Wells, Texas, who shall allow weeds, rubbish, brush or any other unsightly, objectionable or insanitary matter to grow or accumulate thereon, fail and/or refuse to cut down and/or remove such weeds, rubbish, brush or other unsightly, objectionable or insanitary matter, as the case may be, within ten days after notice to said owner to do so, in writing, or by letter addressed to such owner at his post office address, or within ten days after notice by publication as many as two times within ten consecutive days in any newspaper in Texas, may do such cutting down and/or removing such weeds, rubbish, brush or any other unsightly, objectionable or insanitary matter, or cause the same to be done and may pay therefore, and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such lot or lots or real estate; and, if such work is done or improvements made at the expense of the City of Wells, Texas, then such expenses shall be assessed on the real estate, or lot or lots upon which such expense was incurred.

SECTION 7. The Mayor or City Health Officer of the City of Wells shall file a statement of such expenses incurred under Section 5 or under Section 6 of this Ordinance, as the case may be, giving the amount of such expenses, the date on which said work was done or improvements made,

with the County Clerk of Cherokee County, Texas; and the City of Wells, Texas, shall have a privileged lien on such lot or lots or real estate upon which said work was done or improvements made to secure the expenditures so made, in accordance with the provisions of said Article 4436, Revised Civil Statutes of Texas, which said lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten per cent interest from the date said statement was filed. It is further provided that for any such expenditures, and interest, as aforesaid, suit may be instituted and recovery and foreclosure of said lien may be had in the name of the City of Wells, Texas; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

SECTION 8. Any person, firm or individual who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding Two Hundred Dollars (200.00), and each and every day's violation shall constitute a separate and distinct offense, in case the owner or occupant of any lot, lots or premises under the provisions of this ordinance shall be a corporation, and shall violate any provision of this ordinance, the president, vice president, secretary, treasurer of such corporation, or any manager, agent or employee of such corporation shall be also severally liable for the penalties herein provided.

SECTION 9. That if any part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

SECTION 10. All other ordinances or parts or ordinances in conflict with this ordinance are hereby repealed.

PASSED AND APPROVED THIS THE 1st day of March A. D., 1979.

APPROVED: C. W. Williams
MAYOR

ATTEST: Bobbie Seymour
City Secretary