

**ORDINANCE NO. 07-08
PROPERTY MAINTENANCE**

AN ORDINANCE AMENDING ORDINANCE NO. 84-2 REQUIRING WEEDS AND GRASS TO BE CUT UPON PREMISES AND THAT RUBBISH AND TRASH BE REMOVED THEREFROM; AND FIXING A PENALTY FOR FAILURE TO COMPLY WITH SUCH ORDINANCE, AND PROVIDING THAT SAME SHALL BE DONE BY THE CITY IN THE EVENT OF SUCH FAILURE, PROVIDING FOR THE FIXING OF A LIEN UPON PROPERTY FOR THE EXPENSE INCURRED IN REMOVING AND DECLARING THAT ALLOWING WEEDS TO GROW AND TRASH AND RUBBISH TO ACCUMULATE TO BE A NUISANCE AND SETTING EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, TEXAS:

Section 1. Prohibited Conditions Designated-Stagnant Water.

It shall be unlawful for any person who owns or occupies any lot in the city to permit or allow holes or places where water may accumulate and become stagnant to be or to remain on such lot or to permit or allow the accumulation of stagnant water thereon or to permit the same to remain thereon. It shall be the duty of such person to keep the area from the line of his property to the curb line or street adjacent to it free and clear of accumulations of stagnant water.

Section 2. Accumulation of Trash, Carrion, Filth, etc.

It shall be unlawful for any person who owns or occupies any house, building, establishment, lot or yard in the city to permit or allow any trash, rubbish, carrion, filth or other impure or unwholesome matter to accumulate or remain thereon or therein. It shall be the duty of such person to keep the area from the line of his property to the curb line or street adjacent to it free and clear of the matter referred to above.

Section 3. Weeds and Other Unsightly Vegetation.

It shall be unlawful for any person owning, claiming, occupying, or having supervision or control of any real property within the city to permit weeds, brush or any objectionable or unsightly vegetation to grow to a greater height than twelve (12) inches upon any such real property within one (100) feet of any property line or within fifty (50) feet of any structure. It shall be the duty of such person to keep the area from the line of his property to the curb line or street adjacent to it free and clear of the matter referred to above. All vegetation not regularly cultivated which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly within the meaning of this section.

Section 4. Abandoned Vehicles and Appliances, etc.

It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigeration, stove, glass, and building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above upon notice from the City of Newton, Texas.

Section 5. Obstruction of View of Traffic by Trees, Shrubs, etc.

Trees, shrubs, bushes, plants, grass or weeds growing at or near intersections in such manner as to obstruct the view of approaching traffic from the right or left are hereby declared to be a nuisance and the City mayor is hereby authorized to remove the same.

Section 6. Notice to Correct or Remove Condition.

In the event that any person owning, claiming, occupying or having supervision or control of any real property permits any condition to exist hereon in violation of this article, the city may notify such person of his failure to comply and direct him to correct, remedy, or remove such condition within ten (10) days after such notice. Such notice shall be sent to the person at his post office address by regular mail. If the person's address is unknown or if notification may not be obtained by letter, then notice may be given by publication in any two (2) issues within ten (10) consecutive days in any daily, weekly, or semiweekly newspaper in the city. It shall be unlawful for any person to fail or refuse to comply with such notice.

Section 7. Penalty for Refusal to Correct or Remove Condition.

If any person notified as provided in Section 6 fails or refuses to correct or remove the condition specified in such notice within ten (10) days after the date of notification by letter or within ten (10) days after the date of second publication of the notice in the newspaper, said person shall be guilty of a misdemeanor and a warrant shall be issued for said person to appear in municipal court and, upon conviction, shall be fined in any sum not exceeding two hundred dollars. Each and everyday that the violation remains uncorrected shall constitute a separate and distinct offense, subject to penalty under this section.

Section 8. Correction or Removal of Condition by City.

If any person notified as provided in Section 6 fails or refuses to correct, remedy, or remove the condition specified in such notice with ten (10) days after the date of the second publication of notice in the newspaper, the city may go upon the property and do such work or make such improvements as are necessary to correct, remedy, or remove such condition, but only in those cases which present a serious threat to the health, safety, and general welfare of nearby residents. The expense incurred pursuant to this section in correcting the condition of such property, and the cost of notification shall be paid by the city and charged to the owner of such property. In the event that the owner fails or refuses to pay such expense, within thirty (30) days after the first day of the month following the one in which to work was done, the City shall file with the County Clerk a statement of the expense incurred. When such statement is filed, the city shall have a privileged lien on such property second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten percent from the date the city incurs the expense. For any such expense and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in the such work, all as more particularly specified in Article 4436, Vernon's Annotated Texas Civil Statutes, which is hereby adopted.

Section 9. Repeal and Date of Effect.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect immediately upon its adoption and its publication.

Section 10. Effective Date.

This Ordinance shall be effective upon adoption by the City Council and publication of the Ordinance as required by §52.011, Texas Government Code.

PASSED, APPROVED AND ADOPTED, this 8th day of October, 2007

Signed:

Rachel Martin, Mayor

Attest:

Mertice Weeks, City Secretary