

ORDINANCE REQUIRING OWNERS AND OCCUPANTS OF PROPERTY TO KEEP SAME FREE AND CLEAR FROM UNWHOLESOME, UNHEALTHY AND UNSIGHTLY CONDITIONS; DEFINING SAID CONDITIONS; PROVIDING FOR THE INSPECTION OF SAID PREMISES; PROVIDING FOR NOTICE TO ALLEVIATE SAID CONDITIONS AND TO REMEDY SAME AT OWNER'S EXPENSE; PROVIDING FOR THE FILING OF A LIEN ON SAID PROPERTY AND THE FORECLOSURE OF SAME, MAKING SAID LIEN PRIMA FACIE PROOF OF THE AMOUNT EXPENDED; PROVIDING FOR A PENALTY; PROVIDING FOR A SAVINGS CLAUSE; AND CALLING FOR A PUBLIC HEARING HEREON ON THE 28TH DAY OF JANUARY, 1955.

WHEREAS, it has come to the attention of the Board of Commissioners of the City of Abilene that there are unhealthy, unwholesome and unsightly conditions existing within the City Limits which should be alleviated; and,

WHEREAS, in some instances the property owners have refused to alleviate the same or to permit the city authorities to do so;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE THAT:

SECTION 1: That all owners, part owners, or occupants of property and premises located within the City of Abilene shall at all times keep said premises free and clear from the following unwholesome, unhealthy, and unsightly conditions, to-wit:

1. The accumulation of water.
2. The accumulation of stagnant waters or unwholesome waters.
3. Any condition liable to produce disease.
4. The accumulation or the growing of weeds, rubbish, brush, and any and all other objectionable, unsightly, or unsanitary matter of whatever nature.
5. Any filth, carrion, or other impure or unwholesome matter of any kind in and upon any house, building, establishment, lot, yard or ground.

SECTION 2: The City County Health Officer is hereby designated as the inspector for the purpose of inspecting the premises for said conditions and is directed to make such inspection as

he deems necessary to determine the nature and extent of such conditions.

SECTION 3: In the event such a condition is found and determined by the City County Health Officer or his agents to exist, then and in that event the owner shall be given personal notice in writing to either fill up, drain, or clean up said premises within 10 days after notice is given, or by letter addressed to such owner at his Post Office address, or by publication as many as two times within 10 consecutive days if personal notice may not be had as aforesaid or the owner's address be not known, and if, upon the giving of such notice, the owner of said premises fails or refuses to remedy or alleviate said condition within said 10 days' time, then and in that event the City of Abilene shall at its own expense on account of the owner alleviate and remedy said condition and cause the expense thereof to be assessed on the real estate or lot or lots upon which such expense is incurred.

SECTION 4: When such expense has been incurred, a statement of the same signed by the City County Health Officer and the Chief Accountant of the City shall be filed with the County Clerk of Taylor County, and the same shall constitute a lien upon the property second only to tax liens and liens for street improvements. The same shall bear interest at the rate of 10% per annum on the amount from the date of payment, and in the event the same is not paid, suit may be instituted and recovery and foreclosure had in the name of the corporation. The statement so made as aforesaid or a certified copy thereof shall be prima facie proof of the amount expended in any such work or improvements.

SECTION 5: Any owner or occupant violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor punishable by fine in an amount not to exceed \$200.00.

SECTION 6: If any part or portion of this ordinance shall be deemed unconstitutional or void it shall not in any manner affect the remaining parts or portions hereof, but the remaining parts or portions shall remain in full force and effect.

PASSED ON FIRST READING this 14th day of January, 1955.

After said passage, notice of the time and place when and where said ordinance would be considered for final passage, was published in "The Abilene Reporter News", a daily newspaper of general circulation in the City of Abilene, said publication being on the 18<sup>th</sup> day of January, 1955, at least one week prior to the time advertised, and the caption of said ordinance having been published for three successive days in said newspaper being the 18, 19, and 20 days of January, 1955. After such opportunity for the public to be heard, said ordinance was passed on its SECOND AND FINAL READING on the 28th day of January, 1955.

ATTEST:

*Sula Jean Martin*  
City Secretary

*E. S. Guthrie*  
Mayor

APPROVED AS TO FORM BEFORE PASSAGE:

*P. Albert Beckley*  
Corporation Counsel