

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 24, SECTIONS 13 THROUGH 17, AND CHAPTER 47, SECTION 33, OF THE CODE OF THE CITY OF ABILENE, TEXAS, 1957, AS AMENDED, BY DELETING, SUBSTITUTING AND ADDING CERTAIN PROVISIONS REGARDING THE ELIMINATION OF HOLES AND TRASH AND GARBAGE AND OTHER UNSANITARY MATTER FROM LOTS WITHIN SAID CITY; PRESCRIBING A MAXIMUM HEIGHT OF EIGHTEEN (18) INCHES FOR WEEDS AND BRUSH ON SUCH LOTS; DESIGNATING THE OFFICIALS WHO SHALL ENFORCE THIS ORDINANCE; PROVIDING FOR ABATEMENT OF SUCH VIOLATIONS BY THE CITY UNDER CERTAIN CIRCUMSTANCES AND FOR A LIEN FOR THE COST THEREOF; PROVIDING A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS:

Section 1: That Chapter 24 of "The Code of the City of Abilene, Texas, 1957", as amended, be, and the same is hereby, further amended by deleting Sections 24-13 through 24-17 and substituting therefor the following sections which shall hereafter read as follows:

"Sec. 24-13. HOLES AND UNSANITARY MATTER; ELIMINATION OF.

It shall be the responsibility of every person and business association, whether incorporated or unincorporated, which owns, rents, leases or occupies any lot or parcel of land within the corporate limits of the City of Abilene to keep and maintain such lot or parcel of land in a clean and sanitary condition at all times. After ten (10) days have expired from the mailing of a notice as set forth in Section 24-15 below by the Director of the Abilene-Taylor County Health Department to eliminate the following conditions, it shall be unlawful for any such person or business association to have failed to

- A. drain or fill holes or other low areas upon such premises where water or unsanitary or hazardous matter might collect or accumulate
- B. remove from such lot any accumulated stagnant water or any garbage, trash or any other unsanitary matter
- C. upon any lot one hundred (100) feet or less in width or length remove or cut to a maximum height of eighteen (18) inches all grass, weeds, brush or other hazardous growth or vegetation located upon such lots
- D. upon any other lot or parcel than included in "C" above, remove or cut to a maximum height of eighteen (18) inches all grass, weeds, brush or hazardous growth or vegetation where located or growing within twenty-five (25) feet of
 1. a property line adjacent to improved property
 2. a curb line, or
 3. a traveled portion of any dedicated public right of way.

"Sec. 24-14. INSPECTION; RESPONSIBILITY FOR.

The Director of the Abilene-Taylor County Health Department or his authorized assistants shall inspect all lots and parcels of land within the corporate limits of the City of Abilene to insure compliance with the provisions of this Chapter. The City of Abilene Fire Marshal and the Traffic Engineer shall, when requested by said Director, provide assistance in those matters which affect or which may affect fire or traffic conditions, respectively.

"Sec. 24-15. NOTICE OF VIOLATION.

Upon a discovery of an unsanitary or hazardous condition described in Sec. 24-13 above upon any lot or parcel of land, the Director of the Abilene-Taylor

County Health Department shall give such person or business association notice of such condition. Said notice shall provide a legal description of the property, set forth the nature of the violation, and provide for a compliance within ten (10) days. Such notice shall be in the form of a letter addressed to each such owner at his last known address. If the owner's address is unknown, such notice may be given by publication on at least two (2) different days within one ten (10) day period in a local daily newspaper of general circulation.

"Sec. 24-16. NON-COMPLIANCE WITH NOTICE; ABATEMENT BY THE
CITY OF ABILENE; LIEN FOR COSTS.

In addition to any action through Corporation Court, in the event that such person or business association fails for any reason to comply with the notice described in Sec. 24-15 within the prescribed period, the City of Abilene shall take the necessary steps to abate same. Expenses incident to such action by the City of Abilene, plus an additional service charge of fifty percent (50%) of the actual expense to cover administrative costs, shall be assessed against the owners of all outstanding interests in such lot or parcel. An itemized bill of such costs shall be mailed by the City Accountant to each one of such owners if their addresses are known. If said bill remains unpaid for a period of thirty (30) days after the date of the mailing of such bill, the City Accountant shall file a statement of said bill and the reasons therefor with the County Clerk of Taylor County. From the date of such filing, the City of Abilene shall have a lien on the lot or parcel upon which such expenses are incurred second only to tax liens and liens for street improvements. The amount of such debt shall accumulate interest at the rate of ten percent (10%) per annum from the date on which payment was due. For any such debt and interest suit may be instituted and recovery and foreclosure had in the name of the City of Abilene. In such suits the aforementioned statement, or certified copy thereof, shall be deemed prima facie evidence of the debt and all interest thereon.

Section 2: That Subsection 1 of Section 47-33 of "The Code of the City of Abilene Texas, 1957", as amended, be, and is hereby further amended by the addition of the following paragraph which shall read as follows:

"J. Any obstruction of whatever kind or nature, not otherwise permitted by any other ordinance of the City of Abilene, upon any street or alley within the corporate limits of the City of Abilene, which obstruction would have a reasonable tendency to obstruct the view of, or cause damage or injury to, pedestrians, motor vehicles, or the drivers of motor vehicles. "

Section 3: Any person, firm, or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each such violation which shall continue or be permitted to continue shall be deemed a separate offense.

Section 4: If any provision of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5: That any ordinance or provision or section of The Code of the City of Abilene, Texas, 1957, in conflict with the provisions of this ordinance be, and the same are hereby repealed.

PASSED ON FIRST READING this 8th day of November, 1962.

After said passage a notice of time and place, where and when said ordinance would be given a public hearing and 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 13th day of November A. D. 1962, the same being more than one (1) week prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON SECOND AND FINAL READING on the 29th day of November
A. D. 1962.

ATTEST:

W. R. ...
MAYOR

West
CITY SECRETARY

APPROVED AS TO FORM:
JOHN W. DAVIDSON, Corporation Counsel

John W. Davidson