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ORDINANCE NO. 847

AN ORDINANCE AMENDING CHAPTER 26, STREETS AND SIDEWALKS, OF THE ABILENE MUNICIPAL CODE, BY AMENDING SECTION 26-4, OBSTRUCTIONS, NUISANCES, ETC., AFFECTING USE OF STREETS AND SIDEWALKS; PROVIDING FOR FEES AND METHOD OF ASSESSMENT FOR SAME; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 26, Streets and Sidewalks, Section 26-4, Obstructions,

Nuisances, etc., Affecting Use of Streets and Sidewalks, Subsection (d), be amended

to read as follows:

"(d) Any bush, tree or other vegetation which hangs over any street or alley which is not pruned as follows:

- (1) To eliminate all leaves and branches below a height of twelve feet above the street or alley, or
- (2) To eliminate all leaves or branches which would tend to obstruct the view of a traffic control device.

The Director of Traffic and Transportation, or such other person as may be designated by the City Manager, when it shall come to his knowledge that any of the above obstructions, nuisances or traffic hazards exist shall notify the responsible person that the same is in violation of this section and request that the same be either remedied or eliminated as deemed necessary by the notifying official. The person so notified shall have ten (10) days in which to comply with such notice.

In the event that such person, for any reason, fails to comply with the notice within the prescribed period, the city shall take the necessary steps to abate the condition described in such notice. Expenses incident to such action by the city which includes cost of personnel salaries, equipment and administrative overhead, shall be \$15.00 per hour, with a minimum charge being one-half hour (\$7.50), and a penalty charge in the amount of \$10.00, which 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 such owner if his address is known. If such bill remains unpaid for a period of 30 days after the date of the mailing of such bill, the city accountant shall file a statement of such bill and the reasons therefor with the county clerk. From the date of such filing, the city 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 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. In such suits, the aforementioned statement, or certified copy thereof, shall be deemed prima facie evidence of the debt and all interest thereon.

It shall be the duty of any person owning, leasing or occupying any lot or parcel of land in the city fronting upon a sidewalk, street or alley to remove and prohibit any of the nuisances, obstructions or traffic hazards set out in this section, and failure to remedy, eliminate or modify the same in accordance with the instructions of the notifying official shall be a violation of the provisions of this section and shall be punishable as provided in Sec. 10-1 of this Code. "

PART 2: That, upon passage of this ordinance on first reading, the City Secretary be, and she is hereby authorized and directed to cause to have published in the Abilene Reporter News, a daily newspaper of general circulation in the City of Abilene, a notice that a public hearing will be held in the Council Chamber of the City Hall, in Abilene, Texas, at 9:00 A. M., on the 11th day of March, 1976, to permit the public to be heard prior to consideration of this ordinance for second and final reading, said publication to be made more than ten (10) days prior to the time designated for such public hearing.

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

PASSED ON FIRST READING, this the 26th day of February, A. D. 1976.

After passage, a notice of the 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 1st day of March, 1976, the same being more than ten (10) days prior to the time designated for such hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING, this the 11 day of March,

A.D. 1976.

ATTEST:

Ruth Hodgson
CITY SECRETARY

Fred Lee Miller
MAYOR

APPROVED:

Ramsey Campbell
ACTING CITY ATTORNEY