

AMENDED ORDINANCE NO. 165 A

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF MADISONVILLE, TEXAS, BY PROVIDING FOR THE FILLING UP AND DRAINAGE OF LOTS THAT SHALL HAVE INWHOLESOME PLACE OR PLACES WHERE STAGNANT WATER MAY ACCUMULATE THEREON; THE CLEANING OF ANY BUILDING OR PREMISES OF FILTH, CARRION OR OTHER IMPURE AND UNWHOLESOME MATTER; REQUIRING OWNERS OR OCCUPANTS OF LOTS IN THE CITY OF MADISONVILLE, TEXAS TO KEEP SAID LOTS FREE FROM WEEDS, RUBBISH, BRUSH AND OTHER INSIGHTLY OR UNSANITARY 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 EXPENSES OF THE CITY OF MADISONVILLE, TEXAS; PROVIDING FOR THE FIXING OF A LIEN AGAINST SUCH LOTS FOR SUCH IMPROVEMENT; AND DECLARING AN EMERGENCY. (Amended February 14, 2011)

WHEREAS, it is deemed by the City Council of the City of Madisonville, Texas, that it is dangerous to the public health for lots in the City of Madisonville to have places thereon where stagnant water may accumulate and for filth, carrion and 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 unsanitary matter on lots in the City of Madisonville, Texas; and **WHEREAS** it is expressly provided by the provisions of **Chapter 342.001 through 342.022 of the Texas Health and Safety Code, 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 MADISONVILLE, 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 Madisonville, 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 Madisonville, 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 Madisonville 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 lots in the City of Madisonville, Texas, to allow weeds of a height greater than twelve (12) inches, rubbish, brush or any other unsightly, objectionable or unsanitary matter to accumulate or grow on said lot or lots. It shall be unlawful for any person, firm, or corporation owning lot or lots in the City of Madisonville used for pasture grazing or hay production along a street or roadway to not maintain at least a fifteen (15') foot mowed strip along the property lines adjoining streets within the City Limits.

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 till 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 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, 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 Madisonville, Texas, may do such filling or draining, or removal of filth, carrion, etc., or any other unsightly, objectionable or unsanitary 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 Madisonville, 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 Madisonville, Texas, who shall allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary 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 unsanitary 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 unsanitary 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 Madisonville, 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, City Health Officer, or City Code Enforcement Officer of the City of Madisonville 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 Madison County, Texas: and the City of Madisonville, 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 **Chapter 342.001 through 342.022 of the Texas Health and Safety Code, 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 percent 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 or Madisonville, 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 this conviction shall be fined in any sum not exceeding **Five Hundred Dollars (\$500.00)**, 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 be invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

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

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2011.

MAYOR

CITY SECRETARY

APPROVED BY CITY ATTORNEY:

JOHN R. BANKHEAD