

CITY OF WASKOM, TEXAS

ORDINANCE NO. 148

AN ORDINANCE OF THE CITY OF WASKOM, TEXAS, REGULATING CERTAIN MATTERS OF PUBLIC SANITATION IN THE CITY; DECLARING VIOLATIONS A NUISANCE AND PROVIDING FOR THE ABATEMENT THEREOF; REGULATING LITTER AND THE ACT OF LITTERING IN THE CITY; PROVIDING FOR ANY CONFLICTING ORDINANCES AND PROVISIONS OF THE CITY OF WASKOM; ESTABLISHING THE SEVERABILITY OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the State Legislature has in Chapters 342 and 365 of the Texas Health and Safety Code granted to municipalities the power of local regulation of sanitation;

AND WHEREAS the City Council of the City of Waskom, Texas, wishes to regulate sanitation in the City to the full extent allowed by law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASKOM, TEXAS:

**ARTICLE I. WEEDS, BRUSH, RUBBISH AND
OBJECTIONABLE MATTER**

A. Definitions

That for the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them.

Any and all other objectionable, unsightly, or unsanitary matter of whatever nature. All uncultivated vegetable growth, objects, and matter not included within the meaning of the other terms defined in this section, which are liable to produce or tend to produce an unhealthy, unwholesome, or unsanitary condition on the premises or within the general locality where the same is situated.

Brush. All trees or shrubbery under seven feet (7') in height which are not cultivated or cared for by persons owning or controlling the premises on which such trees or shrubbery are growing.

Person. Shall include an individual, firm, association, organization, partnership, trust, company or corporation.

Rubbish. All refuse, useless articles, discarded clothing and textiles of all sorts, and in general, all litter and other things usually included within the meaning of the term rubbish.

Weeds. Uncultivated vegetable growth or matter, including grasses, which has grown to a height of more than twelve inches (12"), or which, regardless of height, is liable to become an unwholesome or decaying mass or breeding place for mosquitoes or vermin.

B. Weeds, Brush, Rubbish, Etc., As a Nuisance

That whenever weeds, brush, rubbish, and any other objectionable, unsightly, or unsanitary matter of whatever nature shall exist on any lot or tract of land, or in any building or structure thereon, or when any lot or tract of land shall have holes or depressions in the surface thereof or otherwise be in a condition that the same holds or is liable to hold stagnant water therein, or if, from any other cause, such lot or tract of land shall be in such condition as to be liable to cause disease or produce, harbor, or spread disease germs of any nature or tend to render the surrounding atmosphere unhealthy, unwholesome, or obnoxious, the same shall constitute a public nuisance, the prompt abatement of which is hereby declared to be a public necessity. The person guilty of causing or permitting any such nuisance upon his or her premises, or lot or tract of land, or in any building or structure thereon, or causing any such nuisance upon any street, alley, sidewalk, or gutter immediately adjacent to such premises shall be deemed in violation of this article.

C. Inspection

The City Health Officer, or other representative designated by the City Council, shall have the authority to request admission to inspect, at a reasonable time without advance notice, any premises, lot, tract, building, structure, or private street, if he or she has received a complaint, or on his or her own initiative if he or she believes a nuisance as herein defined, exists. If such admission is denied, or if he or she deems it advisable, the said inspector, or his or her designated representative, shall have the authority to obtain a warrant, in accordance with applicable law, for the purpose of allowing the inspection.

D. Abatement

(a) Notice. In the event that any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the City fails to comply with the provisions of this article, it shall be the duty of the person designated by the City Council to enforce the provisions of this article to give ten (10) days' notice in writing to such person, or by letter addressed to such person at his post office address, or by publication two (2) time within ten (10) consecutive days in the

City's official newspaper, or by posting the notice on a placard attached to the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

In the notice herein provided for, the City shall have the right to inform the property owner that if he or she commits another violation of the same kind or nature on or before the first anniversary of the date of the notice, the City may, without further notice, correct the violation at the owner's expense and assess the expense against the property.

(b) Action by City to abate. If the owner fails or refuses to remove the nuisance within ten (10) days following notice as provided above, the City may do or cause to be done that which will abate such public nuisance, and may pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the person who owns such lot, tract, or premises. If such work is done or improvements made at the expense of the City, then such expenses shall be assessed on the real estate, lot, tract, or premises upon which such expense was incurred.

E. Collection of Expenses

The City shall file a statement of expenses giving the amount of such expense, the date on which such work was done, a legal description of the premises upon which such work was done or improvements made, and the name of the owner of the property with the county clerk of the county in which the premises are located. The City shall have a privileged lien on such lot or real estate upon which such work was done, or improvements made, to secure the expenditures so made, in accordance with Article 4436, Texas Revised Civil Statutes, as amended, or as it may hereafter be amended, which lien shall be second only to tax liens or liens for street improvements, and such amount shall bear ten percent (10%) interest from the date of payment of such expenses. For any such expense and interest, as aforesaid, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the City, 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.

II. LITTER REGULATIONS

A. Depositing of Litter Prohibited

(a) It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the City or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the City, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift, or deposit any of the aforementioned items

anywhere within the jurisdiction of the City in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain, or snow into any of the aforementioned places.

(b) Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the City; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two (2) hours after being so deposited; or to articles or thing deposited in or conducted into the City sewer system through lawful drains in accordance with the ordinances of the City relating thereto.

B. Vehicles to be Covered

It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles or thing or substance, whether liquid or solid, unless such vehicle is covered to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the municipality. Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

C. Use of Receptacles

It shall be unlawful for any person, firm or corporation to deposit litter in or upon any public or private property within the City, except in public or authorized receptacles for the collection of the same, and it shall be unlawful for any such person, firm or corporation to place litter in a public or authorized receptacle in such a manner as to allow that litter to be carried by natural elements or animals on any street, sidewalk or public or private property. It shall further be unlawful for any person, firm or corporation to permit litter receptacles to overflow.

III. PENALTY

Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00) for each offense; provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this Ordinance shall continue shall constitute a separate offense.

IV. CONFLICTING PROVISIONS

That any and all Ordinances of the City of Waskom, Texas, heretofore adopted which are in conflict with this Ordinance are hereby expressly repealed insofar as the same are in conflict therewith.

V. SEVERABILITY OF ORDINANCE

That if any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council of the City of Waskom, Texas, hereby declares that it would have passed such remaining portions of the Ordinance despite such invalidity.

VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after passage and publication, as the law in such cases provides.

DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF WASKOM, TEXAS,
ON THIS THE 25 DAY OF April, 19 95.

APPROVED:

Chas C. Milk
Mayor, City of Waskom, Texas

ATTEST:

Marlene Salomo
City Secretary, City of Waskom, Texas

