

AN ORDINANCE ESTABLISHING STANDARDS AND
SPECIFYING DUTIES IN REGARD TO LITTER,
EXCESSIVE GROWTH OF VEGETATION, ACCUMULATIONS
OF WASTE, AND DESIGNATION AND CONDEMNATION OF
STRUCTURES

BE IT ORDAINED by the City Council of the City of
Waskom, Texas, as follows:

That the heretofore existing ordinances of the City
of Waskom, Texas, as well as all other provisions heretofore
adopted by this City Council, be amended, wherever in conflict,
to read as follows:

ARTICLE I.

Prohibited Accumulations: It shall be unlawful for
any person to place, deposit or throw, or permit or cause
to be placed, deposited or thrown, any garbage, brush, loose
waste or refuse of any kind, on public or private property
outside of any house, building, apartment, or tenement,
in the City, unless the same has been deposited in according
with the provisions of this Article.

The following acts, amongs other, are declared to be
unlawful and in violation of this provision, but such
enumerations shall not be deemed to be exclusive:

1. The throwing, placing, dumping, or depositing
of any lawn trimmings, hedge trimmings, or any other
vegetation, on lots, vacant or occupied, driveways,
streets, sidewalks, parks, curbs, alleys or other public
or private property, including all public property of
the City.

2. The throwing, placing, dumping, or depositing
of any garbage, refuse, animal or vegetable waste matter
of any kind on or in any street, sidewalk, park, driveway,
curb, alley, or other public property of the City, or in
any lot, vacant, or occupied, driveway, or other private
property in the City.

It shall be unlawful for any person to cause or permit

to remain in or on any premises, public or private, any animal, vegetable or mineral matter, or any composition or residue thereof which is in an unsanitary condition or injurious to public health.

ARTICLE II.

Excessive growth of bushes, grass, weeds, and other vegetation: It shall be unlawful for any person, corporation, partnership, or firm, who shall own, occupy or control any individual lot, tract or parcel of land of an area of three (3) acres or less, as shown by the records in the office of the County Clerk of Harrison County, to allow weeds, grass, or other similar vegetation in excess of twelve (12) inches in highth, to grow, accumulate or remain on said lot, tract or parcel.

It shall be unlawful for any person, firm or corporation who shall own, occupy or control any lot, tract or parcel of land which exceeds three (3) acres according to the records in the office of the County Clerk of Harrison County, to allow weeds, grass, and other similar vegetation in excess of twelve (12) inches in highth to grow, accumulate or remain on said lot, parcel or tract of land within twenty-five (25) feet of any part of an abutting property line which is within two hundred (200) feet of a residence or commercial or industrial building.

ARTICLE III.

Failure of Owner after Notice to remove stagnate water, etc.; assessment of real property for expense incurred by the City: Should any owner of a lot, tract or parcel within the Limits of the City of Waskom have places thereon where stagnate water may accumulate and stand, or which are not properly drained, or the owner of any premises or building

upon which carrion, filth or unpure or unwholesome matter may be, fail and/or refuse to drain and/or fill the said lot or lots, or remove such filth, carrion, and other impure or unwholesome matter, as the case may be, within ten (10) days after notice to the said owner to do so, in writing, or by letter addressed to said owner at his post office address, within ten (10) days after notice by publication as many as two times within ten (10) consecutive days in any newspaper of general circulation operated within Harrison County, Texas, if personal service may not be had, or if the owner's address is unknown; then and in that event the City of Waskom, Texas may do such filling or draining or removal of filth, carrion, or unpure or unwholesome matter, or any other unsightly objectionable or unsanitary matter, or cause the same to be done and may pay therefor and charge the expenses incurred in doing such work, or having such work done, or improvements made, to the owner of said parcel or real property, and if such work is done or improvements made at the expense of the City of Waskom, Texas, then such expenses shall be assessed against the real estate upon which such expense was incurred.

ARTICLE IV.

Failure of Owner of Real Property after Notice to Remove Weeds, Filth, etc.; assessment against Real Estate for expense incurred by City: Should any owner of any lot, parcel or tract of land within the Limits of the City of Waskom, Texas, allow weeds, rubbish, brush or other unsightly, objectionable, or unsanitary matter to grow or accumulate thereon in violation of the foregoing provisions in this Ordinance, or fail to cut down or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary matter,

as the case may be, within ten (10) days after notice to said owner to do, in writing, or by letter addressed to such owner at his post office address, or within ten (10) days after notice by publication, as many as two times within ten (10) consecutive days in any newspaper of general circulation in Harrison County, Texas, if personal service may not be had, or if the owner's address is not known, then, and in that event, the City of Waskom, 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 pay therefor, and the charge or expenses incurred in doing such work, or having such work or improvements done, shall be made to the owner of the real estate, and if such work is done at the expense of the City of Waskom, then such expense or expenses shall be assessed against the real estate upon which said expense was incurred, and the Mayor of the City of Waskom, or City Health Officer of said City, shall file the statement of such expenses incurred, giving the amount of such expense, the date upon which the work was done, and such shall be filed with the County Clerk of Harrison County, Texas, and the City of Waskom shall have a privileged lien on such lot or real estate upon which the work was done or improvements made, to secure the expenditure so made in accordance with the provisions of Article 4436, Revised Civil Statutes of the State of Texas, which said lien shall be second only to taxes and liens for street improvements, and said amounts shall bear interest at the rate of ten percent (10%) per annum from the date the statement is filed; and it is further provided that for such expenditures and interest suit may be instituted to recover the same and to foreclose said lien in the name of the City

of Waskom against the real estate upon which said improvements or expenses were made; and the statement of the expenses so made, or a certified thereof, shall be prima facie proof of the amount expended for such work or improvements.

ARTICLE V.

Penalty for Violation of the Foregoing Articles: Any person, corporation, firm or individual, who shall violate any of the provisions of the foregoing resolution shall be guilty of a misdemeanor and upon conviction shall be fined any sum not exceeding Two Hundred and No/100 (\$200.00) Dollars, 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 the foregoing articles shall be a corporation, and shall violate any provision, the President, Vice President, Secretary-Treasurer of such corporation, or any manager, agent or employee shall be also severally liable for the penalties herein provided.

ARTICLE VI.

Litter Regulations: As used herein, the term "litter" shall mean any garbage, refuse, rubbish, and any and all waste material which, if not deposited in authorized receptacles, creates a potential danger to the public health, safety and welfare. 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 private receptacles for collection of the same, and it shall be unlawful for any such person, firm or corporation to place litter in a public or authorized private receptacle in such manner as to allow that litter to be carried by natural elements or animals on any street, sidewalk, public or private property. It shall be unlawful for any person, firm or corporation to permit litter receptacles to overflow

in any manner.

When it has been determined that litter exists upon and has been allowed to accumulate upon private property, the owner of said property, according to the tax rolls of the City, shall be given written notice by certified mail, return receipt requested, that litter is present on his property. Notice shall specifically state that he has five (5) days after receipt of the letter to remove the litter from the property, after which period the City of Waskom shall clean the property, and that a privileged lien will be filed against the property for the cost incurred for cleaning litter from the property; the cost shall bear interest at the rate of ten percent (10%) per annum from the date the lien is filed, and where the owner of the property is unknown or cannot be located, notice shall be published in a newspaper of general circulation within Harrison County, Texas for three (3) times within a consecutive ten (10) day period, describing the property upon which the litter exists and has accumulated, stating the names of the owners that cannot be located, or that the owners are unknown and stating that the property shall be cleaned within five (5) days after the tenth (10th) day following the first date of publication in the newspaper, stating that if the property is not cleaned within such time the City shall clean the property, stating that privileged lien will be filed against the property for the cost incurred for cleaning the litter from the property. The cost shall bear interest at the rate of ten percent (10%) per annum from the date said lien is filed.

Any person, firm or corporation violating the terms of any section of this Article regarding litter shall be guilty of a misdemeanor, and upon conviction in the Municipal Court

of the City of Waskom, shall be fined not less than Fifty and No/100 (\$50.00) Dollars, nor more than One Thousand and No/100 (\$1,000.00) Dollars, for each offense. Each day that a violation of the provisions of this Article exists shall constitute a separate offense.

The foregoing Resolution composed of all of the above and foregoing Articles and the provisions thereof have been duly presented at a regular meeting of the City Council of the City of Waskom, Texas, and upon motion made, seconded, and approved by a majority of those then present, same has been in all respects adopted and resolved, and as a part thereof shall become effective from the 3 day of June 1986.

CITY OF WASKOM, TEXAS

BY: *J. H. Change*
Councilmen/Aldermen

Attest:

Marlene Solomon
City Secretary