

AN ORDINANCE REGULATING HEALTH AND SANITATION; PROHIBITED CONDITIONS DESIGNATED; NOTICE TO OWNER TO REMOVE OR REMEDY; CORRECTION OR REMOVAL OF CONDITIONS BY CITY; COLLECTION BY LIEN; PROVIDING FOR THE SAME PROCEDURES IN CASES OF "SLUM AND BLIGHTED AREAS"; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$200.00 FOR EACH OFFENSE.

WHEREAS, stagnant water, accumulation of carrion and filth, growth and accumulation of weeds and rubbish, and unsightly and unsanitary conditions are deemed detrimental to the health and welfare of the citizens of Grey Forest, Texas; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF GREY FOREST, TEXAS:

SECTION 1. Prohibited Conditions Designated:

a. Stagnant Water. It shall be unlawful for the owner of any lot or other premises in the City to allow or permit holes or places where water may accumulate and become stagnant to be or remain on such lot or premises, or to allow or permit the accumulation of stagnant water thereon, or to permit the same to remain thereon.

b. Accumulation of Carrion, Filth, etc. It shall be unlawful for the owner of any lot, building, house, establishment, or premises in the City to allow or permit any carrion, filth, or any other impure, unwholesome, foul matter of any kind to accumulate or remain thereon.

c. Trash, Rubbish, etc. It shall be unlawful for any person owning, claiming, occupying, or having supervision control of any real property, occupied or unoccupied, within the corporate limits of the City to permit trash, rubbish, discarded furniture, household appliances, or any other objectionable, unsightly, or unsanitary matter to accumulate thereon. It shall be the duty of such person to keep such property free and clear of the matter referred to in this paragraph.

d. Weeds, Brush, and Grass. It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the City to allow weeds, brush, or grass to grow to a height greater than eighteen (18) inches above grade upon such premises,

including the front or side parkway between the property line or sidewalk, if any, and the curb, if any, and rear or side parkway between the property line and the alley, easement, or traveled way. Any premises upon which weeds, brush, or grass are permitted to grow or accumulate to a height greater than eighteen (18) inches are deemed to constitute a nuisance as a fire hazard and are dangerous to the public health, safety, and welfare. It shall be unlawful for any owner or person in control of any such premises within the City to leave such weeds, brush, or grass on such premises after they have been cut and it shall be the duty of the owner or person in control of any such premises within the City to remove the same.

e. Slum or Blighted Area. It shall be unlawful to allow any premises within the City of Grey Forest to become a "slum or blighted area" as defined in Section 2. of this ordinance.

SECTION 2. Definition of "Slum or Blighted Area".

a. "Slum area" shall mean an area within a city in which there is a predominance of either residential or nonresidential buildings or improvements which are in a state of dilapidation, deterioration, or obsolescence due to their age, or for other reasons; or an area in which inadequate provisions have been made for open spaces and which is thus conducive to high population; or an area in which conditions exist, due to any of the hereinabove named causes, or any combination thereof, which endanger life or property by fire or by other causes, or which is conducive to the ill-health of the inhabitants of the area or to the transmission of disease, and to the incidence of abnormal high rates of infant mortality, or which is conducive to abnormally high rates of crime and juvenile delinquency, and is thus an area which is detrimental to the public health, safety, morals or welfare of the city.

b. "Blighted area" shall mean an area (other than a slum area) which, by reason of the presence therein of slum or deteriorated or deteriorating residential or nonresidential buildings, structures, or improvements, or by reason of the predominance therein of defective or inadequate streets or defective or inadequate street layout or accessibility, or by reason of the existence therein of unsanitary, unhealthful or other hazardous conditions which endanger the public health, safety, morals or welfare of the inhabitants thereof and of the city, or by reason of the predominance therein of the deterioration of site or other improvements, or by reason of the existence therein of conditions which endanger life, or property by fire or from other causes, or by reason of the existence therein of any combination of the hereinabove stated causes, factors, or conditions, results in a condition in that area which

substantially retards or arrests the provisions of a sound and healthful housing environment, or which thereby results in and constitutes an economic or social liability to the city, and is thus a menace, in its present condition and use, to the public health, safety, morals or public welfare of the city.

SECTION 3. Notice to owner, occupant to abate nuisance; failure to comply constitutes evidence of violation.

a. It shall be the duty of the Police Chief or other authorized officer or agent of the City to notify the owner, or person in control of any premises within the City on which trash, rubbish, discarded furniture, household appliances, or objectionable, unsightly, and unsanitary matter has accumulated or upon which weeds, brush, and grass have grown to a height of greater than eighteen (18) inches to abate such nuisance with ten (10) days of such notice.

b. The notice shall be in writing and may be served on the owner or person in control of the premises by delivery in person, by the U. S. mail addressed to such owner or person in control at his post office address, or, in the event the owner or person cannot be found and the letter is returned by the U.S. Postal Service, then notice shall be by publication two (2) times within ten (10) days in the official newspaper of the City. Failure of the owner or person in control of such premises to abate the nuisance within the ten (10) day time period after any such notice will constitute prima facie evidence of a violation of this ordinance.

c. The owner should be notified of any proceedings brought against the occupant. The same notification procedures as in Section 4. paragraph b. applies.

SECTION 4. Performance of work by City upon owner's or occupant's failure to comply with notice of Section 3; Collection of costs.

a. In the event the Police Chief or other authorized officer or agent of the City charged with the enforcement of the provisions of this section and the abatement of the nuisance described herein, shall deem it necessary, in the preservation of the public health, safety, and welfare, that the trash, rubbish, discarded furniture, household appliances, or objectionable, unsightly, and unsanitary matter be removed from premises which the owner or person in control thereof has been notified to clear pursuant to Section 3, or the weeds, brush, or grass cut and removed from such premises, such work shall be done by the City and the actual cost thereof levied, assessed, and collected against the property.

b. If the owner or person in control of such premises shall fail to pay such cost so levied and assessed within thirty (30) days after being notified thereof, the authorized official for the City shall file with the County Clerk of Bexar County a statement of such costs signed by the Mayor of Grey Forest, Texas. Such statement shall constitute a privileged lien upon the premises to secure the expenditures so made and such lien shall bear ten (10) percent interest per annum on the amount from the date payment is due.

SECTION 5. Penalties.

Any person who violates any provision of this Ordinance shall be guilty of a Class C misdemeanor and shall upon conviction, be fined not more than two hundred dollars (\$200.00) at the discretion of the Court having jurisdiction. Each and every violation of the provisions of this ordinance shall constitute a separate offense and each and every day such violation is continued shall constitute a separate offense.

SECTION 6. Repeal.

All laws and ordinances or pertinent parts thereof, in conflict herewith, are hereby repealed.

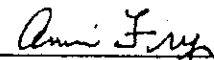
SECTION 7. Saving Clause.

If any clause or section, sentence or phrase of this ordinance is for any reason held to be valid or unconstitutional by a court of competent jurisdiction, such decision or decisions shall not effect the validity or constitutionality of the remaining portions of this ordinance; and the City Council of the City of Grey Forest, Texas, hereby declare that they would have passed this ordinance and each section sentence, clauses, or phrases be declared invalid or unconstitutional.

PASSED AND APPROVED THIS 3Rd DAY OF October, 1989.


Mayor

ATTEST:


City Secretary