

ORDINANCE NO. 0004

AN ORDINANCE PROHIBITING THAT ACCUMLATION OF STAGNANT WATER, CARRION, FILTH, TRASH, WEEDS OR OTHER MATTER LIABLE TO PRODUCE DISEASE ON ANY LOT OR PREMISES WITHIN THE TOWN OF INDIAN LAKE, ALLOWING CORRECTION OR REMOVAL OF SAME BY THE TOWN; AND PROVIDING FOR A LIEN IN FAVOR OF THE TOWN AGAINST THE OFFENDING REAL ESTATE FOR EXPENSES OF SUCH CORRECTION OR REMOVAL; PROVIDING FOR A PENALTY AND AUTHORIZING PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF INDIAN LAKE, TEXAS:

Sec. 1. It shall be unlawful for any person who shall own or occupy any lot or lots in the Town to permit or allow holes or places on said lots where water may accumulate and become stagnant, or to permit or allow the accumulation of stagnant water thereon, or permit the same to remain thereon.

Sec. 2. It shall be unlawful for any person who shall own or occupy any structure, lot or yard in the Town to permit or allow any carrion, filth or any other impure or unwholesome matter liable to produce disease to accumulate or remain thereon.

Sec. 3. It shall be unlawful for any person who shall own or occupy any lot or lots in the Town to permit or allow weeds, rubbish, brush, trash or any other matter liable to produce disease, to accumulate or grow on said lot, lots or premises.

Sec. 4. Whenever any condition described in this ordinance is found to exist on any premises within the Town, the owner of such premises shall be notified by the Town, in writing, to correct, remedy or remove the condition within ten (10) days after such notice and it shall be unlawful for any person to fail to comply with such notice.

Sec. 5. The notice provided for by this Ordinance shall be served personally on the owner to whom it is directed or shall be given by letter addressed to such owner at his last known post office address. In the event personal service cannot be made and the owner's address is unknown, such notice shall be given by publication at least two (2) times within ten (10) consecutive days in a newspaper of general circulation within the Town of Indian Lake, Texas.

Sec. 6. In the event the owner of any lot or premises upon which a condition described in the Ordinance exists fails to correct, remedy or remove such condition within ten (10) days after notice to do so is given in accord with this ordinance, the Town may do such work or make such improvements as are necessary to correct, remedy or remove such condition, or cause the same to be done, and pay therefor and charge the expenses incurred thereby to the owner of such lot. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made. The doing of such work by the Town shall not relieve such person from prosecution for failure to comply with such notice in violation of this ordinance.

Sec. 7. Whenever any work is done or improvements are made by the Town under the provisions of this ordinance, the Town Mayor or duly designated sanitation official on behalf of the Town

shall file a statement on the expenses incurred thereby with the county clerk. Such statement shall give the amount of such expenses, and the date or dates on which the work was done or the improvements were made.

Sec. 8. After the statement provided for in Section 7 is filed, the Town shall have a privileged lien on the lot or real estate upon which the work was done or improvements made, to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten (10) per cent per annum from the date the statement was filed. For any such expenditures and interest, suit may be instituted and recovery and foreclosure of the lien may be had in the name of the Town and the statement of expenses made in accord with Section 7, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

Sec. 9. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith or with any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall be liable to a fine and upon conviction of any such violation shall be fined in any sum of not more than One Hundred Dollars (\$100.00) for each offense, and each day that such violation exists shall be considered a separate offense.

Sec. 10. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part of provisions thereof, other than the part of provision thereof, other than the part so decided to be invalid or unconstitutional.

Sec. 11. This ordinance shall be published and become effective when published in compliance with Art. 1152 V.T.C.S. as amended by Acts. 1967, 60th Leg., page 468, Ch 12 S 1. emerg. Eff. May 19, 1967.

PASSED, ADOPTED AND APPROVED this 16th day of January, 1979.

Fred C. Blondell, Mayor

ATTEST:

Mildred B. Gilmore
Town Secretary