

**WEEDY LOT ORDINANCE NO. 1229**

**AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF RAYMONDVILLE, TEXAS, BY PROVIDING FOR THE FILLING UP AND DRAINAGE OF LOTS THAT SHALL HAVE UNWHOLESOME PLACE OR PLACES WHERE STAGNANT WATER MAY ACCULATE THEREON, THE CLEANING OF ANY BUILDING OR PREMESIS OF FILTH, CARRION OR OTHER IMPURE AND UNWHOLESOME MATTER, REQUIRING OWNERS OR OCCUPANTS OF LOTS IN THE CITY OF RAYMONDVILLE TO KEEP SAID LOTS FROM WEEDS, RUBBISH, BRUSH OR ANY OTHER UNSIGHTLY OR UNSANITARY MATTER; PROVIDING FOR NOTICE TO BE GIVEN TO OWNER/OWNERS AND OR PREMISES IN CASE OF FAILURE OF OWNER/OWNERS TO MAKE LOTS AND/OR PREMISES SANITARY AND SIGHTLY THAT THE SAME MAY BE DONE AT THE EXPENSE OF THE CITY OF RAYMONDVILLE; PROVIDING FOR THE FIXING OF A LIEN AGAINST SUCH LOTS FOR SUCH IMPROVEMENT; FIXING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR EACH VIOLATION; REPEALING IN ITS ENTIRETY WEED ORDINANCE 622 AND ANY OTHER ORDINANCE TO THE EXTENT THEY MAY BE INCONSISTENT WITH THIS ORDINANCE; PROVIDING A SEVERANCE AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, it is deemed by the Board of Commissioners of the City of Raymondville, Texas , that it is dangerous to the public health for lots in the City of Raymondville to have places thereon where stagnant water may accumulate and for filth, carrion or other impure and unwholesome matter to accumulate on lots in said city and that is it dangerous to public health and constitutes a fire hazard to have weeds, rubbish, and other unsightly and insanitary matter on lots in the City of Raymondville; and

**WHEREAS** , it is expressly provided by the provisions of Article 4436, Revised Civil Statutes of Texas, that cities shall have the power to correct the evils hereinbefore recited.

**NOW , THEREFORE , BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF RAYMONDVILLE, TEXAS :**

**Section 1 DUTY TO PREVENT WEEDS, GRASS, RUBBISH, VEGETATION, CARRION, AND STAGNANT WATER FROM BECOMING A NUISANCE OR FIRE HAZARD.**

- a) It shall be unlawful for any persons, firm or corporation who shall own or occupy any lot or lots, house, buildings, or establishments in the City of Raymondville, Texas to permit or allow weeds, rubbish, brush or any other unsightly objectionable, unsanitary matter, any carrion, filth or other impure or unwholesome matter to accumulate. It shall also be unlawful to allow holes or places on said lots where water may accumulate and become stagnant.
- b) Any persons, owner, or occupant in control of any private premises abutting an alley, street, or sidewalk within the City of Raymondville commits an offense if he allows any vegetation, including, but not limited to, trees, shrubbery, bushes, and vines, to grow on the premises so as to project across the property line over or the right-of-way of the alley, street, or sidewalk.

- c) Upon failure of any persons, owner, occupant, or person in control of private premises to comply with this ordinance, the City of Raymondville , as the case may be, shall allot 10 days' notice to said owner to do so by;
- i. Giving notice personally to the owner in writing by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which property is located.
  - ii. By at least one of the following if personal service cannot be obtained:
    - a) By publication at least once in the local newspaper;
    - b) By posting the notice on or near the front door of any building on the property to which the violation relates; or
    - c) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates ;
    - d) If a municipality mails a notice to a property owner in accordance with Section 1 subsection C (i), and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice is considered delivered.
    - e) In a notice provided under this section, the City of Raymondville may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the original notice, the City of Raymondville , without further notice, may correct the violation at the owners expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one year period, and the City of Raymondville has not been informed in writing by the owner of an ownership change, then the City of Raymondville without notice may take any action permitted by this ordinance and assess its expenses as provided by this section.

## **Section 2 PENALTY**

Any persons, firm, or individual who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction may be fined up to a fine of \$200.00 for each and every day's violation shall constitute a separate and distinct offense.

## **Section 3 ABATEMENT BY CITY GENERAL**

Whenever the owner or persons of any premises upon which grass, weeds, brush, rubbish, or other unsanitary matter of condition constitute a nuisance are found to be in violation of this ordinance cannot be located after due diligence, and whenever a person has been given the notice as provided by this ordinance shall fail to comply with such notice, it shall be the duty of the Code Enforcement officer, Mayor, City Manager, or designee to cause the weeds, grass, rubbish, brush, or other unsanitary matter or condition constituting a nuisance be promptly abated, in a reasonable and prudent manner.

Any weeds, grass, brush, rubbish or any unsanitary matter abated by the City of Raymondville shall become property of the city to be removed or disposed of in a manner prescribed by the City Manager.

#### **Section 4 EXPENSE AND COSTS; METHODS OF COMPUTATION**

The Code Enforcement Officer or a duly authorized representative shall charge all necessary expenses connection with the abatement of a nuisance under this ordinance, including but not limited to work done and improvements made in abating such nuisance, to said owner of such premises. The City shall also be entitled to recover all reasonable costs incurred in enforcing the provisions of this ordinance, including but not limited to: inspections, efforts to locate the owner and/or persons occupying such premises, issuance, service and publications of notices, re-inspections of such premises and all other reasonable costs incurred in abating such nuisance. All such expenses and costs shall be assessed at such rates as may be established by the board of commissioners from time to time by minute order. Such expenses and costs shall be certified by the Code Enforcement Officer, City Manager, or designee, which shall thereafter promptly prepare and issue an invoice to the owner or persons in control of the said property.

#### **Section 5 PENALTY FOR NON-PAYMENT OF INVOICE**

If an invoice served under the terms of this ordinance is not paid within 30 days of notice, the City of Raymondville shall prepare and file a lien against said property for record in the office of the County Clerk's office along with an itemized statement of all work performed and all costs and expenses incurred.

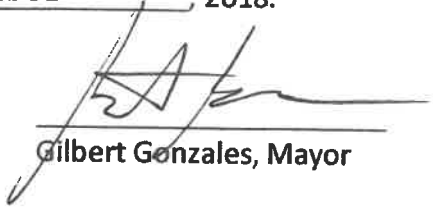
#### **Section 6 AUTHORITY TO EXECUTE RELEASE OF LIENS**

The City Manager or authorized designee in hereby authorized to execute release liens of behalf of the city of all liens created under the provisions of this ordinance. The City Manager or his designated authorized designee shall have no right to execute such releases until he has satisfied himself that debt or portion thereof secured by the lien and for which a release is requested has been paid in full to the city, and such lien shall be released only insofar as it affects the property for which the debt secured thereby has been paid in full.

#### **Section 7 SEVERANVCE AND SAVINGS CLAUSE**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional on the valid judgement or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PASSED AND APPROVED on first reading this 13<sup>th</sup> day of November, 2018.

  
Gilbert Gonzales, Mayor

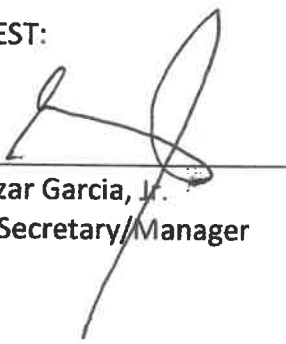
PASSED AND APPROVED on second reading this 27<sup>th</sup> day of November, 2018.

  
Gilbert Gonzales, Mayor

PASSED AND APPROVED on third and final reading this 11<sup>th</sup> day of December, 2018.

  
Gilbert Gonzales, Mayor

ATTEST:

  
Eleazar Garcia, Jr.  
City Secretary/Manager