

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDEN,
TEXAS:

that the following Sections 1.01 through 1.11 of Article I and Article II Sections 2.01 through 2.06 have been approved by the City Council of the City of Linden, Texas.

Article I.

Section 1.01: DEFINITION OF DANGEROUS BUILDINGS OR STRUCTURES

All buildings or structures which have any of the following defects or lack of facilities shall be deemed dangerous buildings:

- 1) All buildings or structures that have become deteriorated through natural causes or by damage through exposure to the elements, especially wind, hail or rain, or damage through fire to the extent that the roof, windows or doors, or portions of the house, building or structure which protect from the weather, will no longer reasonably protect from the weather.
- 2) All buildings or structures which are so structurally deteriorated that they are in danger of collapse, or which cannot be expected to withstand the forces of nature.
- 3) All buildings or structures not wired so as to provide in operating condition electrical circuits sufficient to safely carry a load imposed by normal use of appliances and fixtures.
- 4) All buildings or structures of which the floors, walls, ceilings, and all supporting members are not capable of bearing imposed loads safely.
- 5) All buildings or structures so constructed or permitted to be constructed as to constitute a menace to the health or safety, including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects, reasonably calculated to spread disease, and including such conditions hazardous to safety as inadequate bracing or use of deteriorated materials.
- 6) All buildings or structures which constitute or in which are maintained fire hazards as that term is defined by the Ordinances of the City of Linden, Texas.

Section 1.02: PUBLIC NUISANCE DECLARED

All dangerous buildings or structures which shall constitute a menace to the health, morals, safety or general welfare of its occupants or of the general public are declared to be public nuisances and shall be ordered to be vacated, repaired or demolished as hereinafter provided.

Section 1.03: DUTIES OF BUILDING INSPECTOR RELATING TO DANGEROUS BUILDINGS OR STRUCTURES

The Building Inspector shall:

- 1) Inspect or cause to be inspected any building situated within the City of Linden in which the Building Inspector has reason to believe that conditions exist which render such structure a dangerous building as that term is defined herein.
- 2) If, upon inspection and investigation, the Building Inspector finds that a building, dwelling, or structure is a dangerous building as that term is defined here, the Building Inspector shall issue a notice and order and shall order termination of utility service to unoccupied structures determined to be dangerous buildings, and shall issue a notice and order containing the following information:
 - a) Street address and legal description sufficient for identification of the premises upon which said building is located.
 - b) Names of the owner, occupant, lessee and any other person interested in said building as shown by the property records of the County Clerk of the County in which such property is located.
 - c) A description of the general type of such building or structure, the construction of the same and the occupancy and use being made of it, if any.
 - d) A statement of the existence in such building or structure of conditions rendering such structure a dangerous building as that term is defined herein.
 - e) A statement that any person interested in such dangerous building or structure, or his or her authorized agent or representative, should appear and show cause why the Building Inspector should not order any such building to be repaired or demolished.
- 3) Place a notice on said dangerous building to read substantially as follows:

NOTICE - DANGEROUS BUILDING

This building is unsafe, further occupancy or use of this building is prohibited by order of the City Building Inspector. Do not remove this notice.

VIOLATION OF THIS NOTICE IS PUNISHABLE BY FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) PER DAY.

Section 1:04: STANDARD FOR REPAIR, VACATION, OR DEMOLITION

The following standards may be followed in substance by the Building Inspector in ordering repair, vacation, or demolition:

- 1) If the dangerous building or structure can be reasonably repaired so that it will no longer be in condition which is in violation of this ordinance, it shall be ordered repaired.
- 2) If the dangerous building or structure is in such

condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants or of the public, it shall be ordered to be vacated.

3) In any case, where a dangerous building or structure is so damaged or destroyed where it cannot be repaired so that its existence will no longer be in violation of the terms of this Ordinance, it shall be demolished.

Section 1:05: SERVICE OF NOTICE AND ORDERS

1) Notices and orders provided for herein shall be served on record owner and posted on the building or structure in question. Additional copies thereof shall be served on the following: The holder of any mortgage, deed of trust or any other lien or encumbrance of record, the lessee of such building or structure, the occupant of such building or structure and any other person owning or claiming any interest in such building or structure as shown by the property records of the County Clerk of the County in which such building or structure is located.

2) Service of any such notice or order shall be completed by: a) Delivery of same to the appropriate party in person; or b) If the address of the party is known, depositing said notice in the United States Mail, postage prepaid, certified, or registered, return receipt requested; or c) If the address of any interested party is unknown, and if after diligent search, the City Secretary is unable to locate same, publishing same in the newspaper of general circulation in the city.

Section 1.06: LIABILITY

Neither the City of Linden nor any authorized agent acting under the terms of this Ordinance shall be liable or have any liability by reasons of orders issued or work done in compliance with the terms of this ordinance.

Section 1.07: WORK DONE BY THE CITY

In the event the owner of any lot or premises upon which a condition described in this article exists fails to correct, remedy or remove such condition within ten (10) days after notice to do so is given in accordance with this article, the city 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 therefore 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 city shall not relieve such person from prosecution for failure to comply with such notice in violation of this Ordinance.

Whenever any work is done or improvements are made by the city, the Mayor, on behalf of the city, shall file a

statement of the expenses incurred thereby, prepared by the city manager, with the County Clerk. Such statement shall give a description of the property, the name and address of the owner, if known, the amount of such expenses and the date or dates on which the work was done or the improvements were made.

A copy of the statement of expenses, as provided herein shall be sent to the owner of the lot or real estate upon which the work was made, if the address of such owner is known to the city.

After the statement provided for in this Ordinance is filed, the City 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 city and the statement of expenses made in accord with paragraph two (2) above, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

Section 1.08: PENALTIES FOR VIOLATION

The owner, occupant, lessee, agent or any other person having an interest in any dangerous building who shall fail to comply with any notice or order to repair or demolish such building or any person who shall willfully refuse or fail to leave a building which has been ordered vacated under the terms of this Ordinance or who shall enter an area around such building that has been declared to be dangerous shall be deemed guilty of a misdemeanor and shall be subject to a fine.

Any person removing the notice provided for in this Ordinance from the building or structure shall be deemed guilty of a misdemeanor and subject to a fine accordingly.

Section 1.09:

If any article, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be adjudged invalid, or be held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part of provision thereof other than the part so declared to be invalid or held to be unconstitutional.

Section 1.10:

That all Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 1.11:

That this Ordinance shall take effect from and after the date of its passage and publication as provided by law.

ARTICLE II.

Section 2.01: DEFINITION OF GARBAGE, TRASH, WEEDS, ABANDONED WATER WELLS AND JUNKED VEHICLES.

It shall be unlawful for any person who shall own or occupy any lots in the city to permit or allow holes or places on such lots where water may accumulate and become stagnant, or to permit same to remain. This section also pertains to uncovered, unsafe water wells or any deep outlet similar to a water well.

1) A "junked vehicle" is defined as any motor vehicle which is inoperative and which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate and which is wrecked, dismantled, partially dismantled, or discarded.

2) Junked vehicles which are located in any place where they are visible from a public place or public right of way are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the City of Linden by producing urban blight which is adverse to the maintenance and continuing development of the City of Linden and such vehicles are therefore declared to be a public nuisance.

3) It shall be unlawful for the owner of any lot or premises in the City of Linden to allow or permit any junked vehicle to be placed upon, accumulate or remain on such lot or premises.

4) Whenever such public nuisance exists on private property within the City of Linden, Texas, in violation of this section, the chief of police or his duly authorized agent shall give written notice that it must be removed and abated within ten (10) days and that a request for a hearing must be made before expiration of said ten-day period, such notice to be mailed by certified mail or registered mail with a five-day return requested, to the owner or occupant of the private premises whereupon such public nuisance exists. If he notice is returned undeliverable by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

5) Whenever such public nuisance exists on public property or on a public right of way in violation of this section, the chief of policy or his duly authorized agent shall give written notice stating the nature of the public nuisance and that it must be removed or abated within ten (10) days and that a request for a hearing must be made

before expiration of said ten-day period, such notice to be mailed, by certified mail or registered mail with a five-day return requested, to the owner or the occupant of the public premises adjacent to the right of way whereupon such public nuisance exists. If the notice is returned undeliverable by the United States Post Office, official action to abate said nuisance shall be continued to a date not less than ten (10) days from the date of such return.

6) After a motor vehicle has been removed under the terms and provisions of this section, it shall not be reconstructed or made operable.

7) In the event that any party to whom notice is directed under the provisions of this section shall request a public hearing prior to the removal of vehicle or part thereof as a public nuisance, such public hearing shall be held before the city manager of the City of Linden within ten (10) days after service of notice to abate the nuisance.

8) In the event, after public hearing, the city manager shall determine that such vehicle or part thereof constitutes a public nuisance, he may order the removal of such vehicle or part thereof, which order shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site.

9) Upon the issuance of the order referred to in paragraph (8) hereof by the city manager or assistant city manager, the chief of police or his duly authorized agent, shall go upon the premises specified in such order and remove such vehicle or part thereof from the premises to a scrap yard, demolisher or any suitable site designated by the city.

10) Within five (5) days after the date of removal of such vehicle or part thereof, the chief of police or his duly authorized agent shall give notice to the Texas Highway Department of such removal identifying the vehicle or part thereof.

11) The provisions of this section shall not apply to:

a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from a street or other public or private property;

b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business or a licensed vehicle dealer;

c) Unlicensed, operable or inoperable antique and special interest vehicles stored by a collector on his private property, provided that the vehicles in the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means. An "antique automobile" means passenger cars or trucks which were manufactured in 1925 or before, or which become thirty-five (35) or more years old. Special interest vehicles are motor vehicles of any age which have not been altered or modified from original manufacturer specifications and, because of

their historic interest, are being preserved by hobbyists. "Collector" means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

13) All of the procedures set forth in this section shall be carried out by salaried, full-time employees of the city except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

14) The chief of police, any member of the city police department or any person authorized by the city to administer the provisions of the procedures set forth in this section may enter upon private property for the purposes specified herein to examine vehicles or parts thereof, obtain information as to the identity of the vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant hereto. The corporation (municipal) court of the city shall have the authority to issue all orders necessary to enforce any procedures set forth in this section.

15) Nothing in this section shall affect any statute or ordinance that permits immediate removal of a vehicle left on public property which constitutes an obstruction to traffic.

Section 2.02: GROWTH OF WEEDS, GRASS, PLANTS, ETC.

It shall be unlawful for any person, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land, or a portion thereof, occupied or unoccupied within the city to suffer or permit grass, weeds or any plant that is not cultivated to grow to a greater height than eighteen (18) inches on an average or to grow in rank profusion upon such premises.

No person shall permit grass, weeds or any plant, that is not cultivated, to grow along the sidewalk or street adjacent to the same between the property line and the curb or if there is no curb, then within ten (10) feet outside that property line to a height greater than eighteen (18) inches on an average or to grow in rank profusion upon such premises.

Section 2.04: ACCUMULATION OF GARBAGE, LITTER, REFUSE OR JUNK ON PRIVATE PREMISES

1) It shall be unlawful for the owner of any private property in the city to place on or allow or permit to be placed, accumulated or remain on such property any garbage, any litter, any refuse or junk.

2) The presence of any garbage, litter, refuse or junk on any private property within the city shall be deemed a public nuisance.

3) Whenever such public nuisance exists on private

property within the city in violation of this section, the chief of police or his duly authorized agent, shall notify in writing the owner or occupant of the private premises whereupon such public nuisance exists stating the nature of the public nuisance and that it must be removed and abated within ten (10) days from the receipt of the notice and that a request for hearing must be made before expiration of said ten-day period. Such notice shall be mailed by registered or certified mail to such owner or occupant at his post office address. If the owners address is unknown, notification shall be made by publication of the required notice twice within ten (10) consecutive days in a newspaper of general circulation in the city.

4) In the event a hearing is requested by the owner or the occupant of the private premises, such hearing shall be held before the city manager or assistant city manager of the city within ten (10) days after service of notice to abate nuisance.

5) In the event the city manager shall determine that such garbage, litter, refuse or junk constitutes a public nuisance, he shall order the removal of the same from the premises.

6) The chief of police, any member of the City of Linden Police Department or any person authorized by the city to administer the provisions hereof may enter upon private property for the purposes specified in this section to examine any garbage, any litter, refuse or junk and remove or cause the removal of the same declared to be a nuisance pursuant to this section. The corporation (municipal) court of the city may issue all orders that are necessary to enforce this procedure.

7) The expense of performing the work of removal shall be borne by the owner or occupant of the private premises whereupon such public nuisance exists or by the owner or occupant of the public premises. Such expense shall be assessed as a lien against the real estate upon which such public nuisance exists.

Section 2.05: CORRECTION OF WEED NUISANCE

1) In the event the owner or occupant of any private property in the city shall violate any provision of section 2.03 or 2.04 hereof, and shall fail to correct or remedy such condition within ten (10) days after written notice by the chief of police or his duly authorized agent to do so, the chief of police or his duly authorized agent may perform such work as may be necessary to correct or remedy such condition or cause the same to be done.

2) The expense of performing such work shall be borne by the owner or occupant of such premises. Such expenses shall be assessed as a lien against the real estate upon which the work was done.

Section 2.06: LIEN FOR EXPENSES

property within the city in violation of this section, the chief of police or his duly authorized agent, shall notify in writing the owner or occupant of the private premises whereupon such public nuisance exists stating the nature of the public nuisance and that it must be removed and abated within ten (10) days from the receipt of the notice and that a request for hearing must be made before expiration of said ten-day period. Such notice shall be mailed by registered or certified mail to such owner or occupant at his post office address. If the owners address is unknown, notification shall be made by publication of the required notice twice within ten (10) consecutive days in a newspaper of general circulation in the city.

4) In the event a hearing is requested by the owner or the occupant of the private premises, such hearing shall be held before the city manager or assistant city manager of the city within ten (10) days after service of notice to abate nuisance.

5) In the event the city manager shall determine that such garbage, litter, refuse or junk constitutes a public nuisance, he shall order the removal of the same from the premises.

6) The chief of police, any member of the City of Linden Police Department or any person authorized by the city to administer the provisions hereof may enter upon private property for the purposes specified in this section to examine any garbage, any litter, refuse or junk and remove or cause the removal of the same declared to be a nuisance pursuant to this section. The corporation (municipal) court of the city may issue all orders that are necessary to enforce this procedure.

7) The expense of performing the work of removal shall be borne by the owner or occupant of the private premises whereupon such public nuisance exists or by the owner or occupant of the public premises. Such expense shall be assessed as a lien against the real estate upon which such public nuisance exists.

Section 2.05: CORRECTION OF WEED NUISANCE

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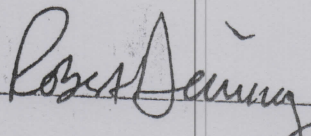
2) The expense of performing such work shall be borne by the owner or occupant of such premises. Such expenses shall be assessed as a lien against the real estate upon which the work was done.

Section 2.06: LIEN FOR EXPENSES

1) Whenever any work is done under the provisions of sections of Article II, the city manager on behalf of the city shall file a statement of the expenses incurred with the county clerk of the county where such work was performed. Such statement shall be signed by the mayor of the city and shall give the amount of such expenses and give the date or dates on which such work was done.

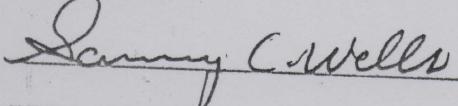
2) After the statement provided for in paragraph (1) hereof is filed, the city shall have a privilege lien on the real estate affected by such work. Such lien shall be second only to tax liens and street improvement liens.

PASSED AND APPROVED THIS 27th DAY OF JULY, 1987.



Mayor, City of London

ATTEST:



CITY SECRETARY