

**THE CITY OF LOG CABIN
ORDINANCE 133**

AN ORDINANCE OF THE **CITY OF LOG CABIN**, HENDERSON COUNTY, TEXAS, DECLARING IT UNLAWFUL TO PERMIT, ALLOW, CREATE OR CONTINUE ANY ACT, CONDITION OR THING WITHIN THE CITY WHICH ENDANGERS THE PROPERTY, HEALTH AND SAFETY OF THE CITIZENS OF THE CITY OR WHICH IS DETRIMENTAL TO THE APPEARANCE OF THE CITY AND DECLARING SUCH ACTS A PUBLIC NUISANCE; PROHIBITING THE PERMITTING OF HOLES, DEPRESSIONS OR PLACES WHERE WATER MAY ACCUMULATE AND BECOME STAGNANT; PROHIBITING THE ACCUMULATION OF CARRION, FILTH AND OTHER IMPURE, UNWHOLESOME MATTERS; DECLARING IT UNLAWFUL TO PERMIT WEEDS, RUBBISH, GRASS CLIPPINGS, BRUSH, DEAD TREES OR TREE TRUNKS OR LIMBS OR ANY OTHER UNSIGHTLY, OBJECTIONABLE OR UNSANITARY MATTER TO ACCUMULATE OR GROW; PROVIDING THAT PERMITTING GRASS, WEEDS OR BRUSH TO GROW TO A HEIGHT OF TWELVE (12) INCHES OR MORE IS A VIOLATION; PROHIBITING DUMPING, DEPOSITING OR LEAVING OF ANY REFUSE, GARBAGE, RUBBISH, TRASH, LEAVES, LIMBS, DEAD TREES OR TREE TRUNKS, OR JUNK ON ANY STREET OR PUBLIC OR PRIVATE PROPERTY WITHIN THE CITY, EXCEPT DIRT AND SAND BEING USED BY THE OCCUPANT OF A HOME ON SUCH PROPERTY FOR LEVELING OR GRADING PURPOSES; FIXING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING THAT WHEN ANY CONDITION WHICH VIOLATES THIS ORDINANCE IS FOUND TO EXIST, THE CITY SHALL, IN ADDITION TO OTHER PENALTIES AS PROVIDED, GIVE THE OWNER OF THE PROPERTY UPON WHICH SUCH CONDITION EXISTS A **NOTICE ONLY** TO CORRECT THE CONDITION, AND IF THE OWNER DOES NOT CORRECT SUCH CONDITION, THE CITY WILL PERFORM OR HAVE PERFORMED SUCH WORK AS MAY BE REQUIRED TO CORRECT THE CONDITION AND CHARGE THE EXPENSES INCURRED THEREBY TO THE OWNER AND ASSESS THE SAME AGAINST THE PROPERTY; PROVIDING FOR THE FILING OF A STATEMENT OF SUCH EXPENSES WITH THE COUNTY CLERK OF HENDERSON COUNTY, TEXAS, AND THE CREATION OF A LIEN AGAINST SUCH PROPERTY FOR SUCH EXPENSES AND INTEREST ON SUCH AMOUNT IN THE AMOUNT OF TEN (10%) PERCENT PER ANNUM AND PROVIDING FOR SUIT AND FORECLOSURE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, TEXAS:

I.

It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the City of Log Cabin, Texas, to permit, allow, create or continue any act, condition or thing, existing, done or in being within the City of Log Cabin, Texas, which endangers the property, health and safety of the citizens of the City or which is detrimental to the appearance of the City and each such act, condition or thing is hereby decreed to be a public nuisance.

II.

It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the City of Log Cabin, Texas, to permit, allow, create or continue any holes, depressions or place on said property where water may accumulate and become stagnant or to permit same to remain.

III.

It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard (other property in the City of Log Cabin, Texas, to permit allow, create or continue any carrion, filth or other impure or unwholesome matters to accumulate or remain thereon.

IV.

It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the City of Log Cabin, Texas, to permit allow, create or continue to permit rubbish, grass clippings, brush, dead trees or tree trunks or limbs or a other unsightly, objectionable or unsanitary matter accumulate or grow on such property. Weeds or grass brush at a height of twelve (12) inches or more shall be a violation of this provision.

V.

It shall be unlawful for any person, firm or corporation to dump, deposit or leave any refuse, garbage, rubbish, trash leaves, limbs, dead trees or tree trunks or junk on a street, right of way or easement, public property or private property within the City of Log Cabin, Texas, whether not the same or the property upon which it is dumped deposited or left belongs to the person, firm or corporation dumping, depositing or leaving it.

VI.

Persons in possession of real property are entitled to the quiet enjoyment of their lands. If any condition on any property interferes with that quiet enjoyment, either by creating smells, sounds, pollution, defined objectionable appearance, threat to health or any other hazard that extends past the boundaries of the property, the said condition(s) constitutes a public nuisance. The law of nuisance can be applied to either the rights of other private landowners (i.e., private nuisance) or with the rights of the general public (i.e., public nuisance). A public nuisance is an unreasonable interference with the public's right to property. It includes conduct that interferes with public health, safety, peace or convenience. The unreasonableness

may be evidenced by statute, or by the nature of the act, including how long, and how bad, the effects of the activity may be.

VII.

Any person, firm or corporation violating any provision this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$10.00 nor more than \$50.00. and each and every day or fraction of a day during which this ordinance or any part thereof shall be violated shall be deemed as a separate offense and shall be punished as such.

VIII.

Wherever any condition which violates the provisions set forth in this ordinance is found to exist on any premises within the City of Log Cabin or is being created the City of Log Cabin in addition to and without regard to the remedy and punishment provided in Article "7" of this ordinance and all as provided in the Revised Civil Statute of the State of Texas, may notify the owner of the premise in writing to correct, remedy, or remove the condition within ten (10) days after such notice. Such notice 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. If such owners address is unknown. such notice shall be given by publication as many as two (2) times within ten (10) consecutive days in a newspaper of general circulation within the area of the City of Log Cabin or by posting the notice on or near the front door of each building on the property to which the violation relates or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no building. In the notice of a violation the City may inform the owner by certified mail, return receipt requested, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expenses against the property. If a violation covered by a notice under the subsection occurs within a one-year period. and the City has not been informed in writing by the owner of an ownership change, then the City without notice may take any action permitted by subsections (a)(1) and (2) of Section 342.006 of the Revised Civil Statutes of the State of Texas Health and Safety *Code* and assess its expenses as provided by Section 342.007 thereof.

IX.

In the event the owner of any lot, lots, yard or other property upon which a condition described in this ordinance exists fails to correct, remedy or remove such condition within ten (10) days notice to do so is given in accordance with this ordinance, the City of Log Cabin

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, lots, yard or property upon which the work was

done or the improvements made. The doing of such work by the City shall relieve any person, firm or corporation from prosecution for violation of any provision of this ordinance.

X.

Whenever any work is done or improvements are made by the City of Log Cabin pursuant to the provisions of the ordinance, the mayor, municipal health authority municipal official designated by the mayor shall file statement of the expenses incurred thereby with the County Clerk of Henderson County, Texas. Such statement shall give the name of the owner, the legal property description, an account of such expenses, the date or dates on which the work was done or the improvements made. After this statement so filed, the City of Log Cabin shall have a privilege lien on the lot, lots, yard or other property upon which the work was done or the improvements made to secure expenses thereof. Such lien attaches upon the filing of the lien statement with the County Clerk and shall be second only 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 such statement was filed with the County Clerk. For any such expenditure and interest, such may be instituted and recovery and foreclosure of the lien may be had in the name of the City of Log Cabin and the statement of expenses made and filed in accordance with Section X. of this ordinance or a certified copy thereof shall be proof of the amount expended for such work or improvements.

XI.

This ordinance is adopted by the City of Log Cabin on APRIL 19, 2018.

XII.

If any section or provision of this ordinance is declared illegal by a court of competent jurisdiction, such declaration will in no manner effect any of the other provisions of this ordinance and each remaining provision will remain in full force and effect.

XIII.

The fact that at present there is no ordinance in the City of Log Cabin, Texas, covering all of the subjects addressed in this ordinance, and the health and welfare the city demands that such an ordinance be enacted immediately creates an emergency which is here and now declared and all rules and regulations providing for reading of ordinances on more than one (1) occasion or more than (1)

time are suspended and this ordinance is passed as an emergency measure and shall be in full force and effect from and after its adoption and the posting thereof on the bulletin board at the City Hall of the City of Log Cabin, Texas.

PASSED, APPROVED AND ADOPTED THIS THE 19 DAY OF APRIL, A.D. 2018



Larry P. Nolan
Mayor, City of Log Cabin, Texas

ATTEST:



Belynda Figueriedo
City Secretary, City of Log Cabin, Texas