

ORDINANCE NO. 81-3

AN ORDINANCE DEFINING PUBLIC NUISANCES AND PROVIDING FOR THE ABATEMENT THEREOF, NOTICE, CIVIL REMEDIES, ASSESSMENTS, LIENS, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF JAMAICA BEACH, TEXAS:

SECTION 1: Definitions.

The following words and phrases when used in this division shall have the following meaning respectively ascribed to them;

- (a) Brush. The word "brush" as used herein shall mean shrubs, bushes, small trees or other vegetation of a species that does not grow into a forest.
- (b) Carrion. The word "carrion" shall mean the dead flesh of decaying animal matter.
- (c) Filth. The word "filth" shall mean any substance or matter which is ~~unsanitary~~ unsanitary, squalid, unclean, or foul.
- (d) Impure or unwholesome matter. The phrase "impure or unwholesome matter" shall mean any condition or substance which may, tends to, or is liable to be detrimental or injurious to the health or life of any natural person.
- (e) Notice. The word "notice" as used in this division shall mean a written instrument served upon a specified party or parties, person or persons. Service may be affected by personally delivering the written notice into the possession of the party or parties or persons concerned. Said service may also be affected by a letter, posted by certified, return receipt request mail, addressed to the party or parties, person or persons concerned at his last known post office address, or by publication as many as two (2) times within ten (10) consecutive days.

- (f) Nuisance: The word "nuisance" as used in this division shall mean "brush", "carrion", filth", "impure or wholesome matter", "rubbish", "stagnant water", "objectionable, unsightly, or unsanitary matter" and "weeds".
- (g) Rubbish: The word "rubbish" as used in this division shall mean nonputrescible solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboards, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- (h) Stagnant water. The term "stagnant water" as used herein shall mean a pool, puddle, or body of water which in motionless, not flowing or not running in a current or stream.
- (i) Objectionable, unsightly, or unsanitary matter. The phrase "objectionable, unsightly, or unsanitary matter" when used herein shall include all uncultivated vegetable growth, objects and matter not included within the meaning of the other terms as herein used which are liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition for property within the general locality where the same is situated. This phrase shall also include any species of rag weed or other vegetable growth which may tend to be unhealthy to individuals residing within the general locality where such growth is situated.
- (j) Weeds. The word "weeds" shall include all wild growth of nonxious grass or undergrowth, or all rank and uncultivated vegetable growth or matter which as grown to more than nine inches (9") in height, or which, regardless or height, is liable to become an unwholesome, decaying mass or a harboring place for mosquitoes or vermin.

SECTION 2: Notification.

When the mayor or his representative, becomes informed, cognizant, or aware of any nuisance, as hereinbefore defined, he shall immediately give notice, as hereinbefore defined, to the owner and to the occupant of the premises on which such nuisance is being maintained and existing. Said notice shall require the owner and the occupant to abate and remove said nuisance within ten (10) days.

SECTION 3: Failure to abate - Punishment.

It shall be unlawful for the owner or the occupant to fail to abate and remove said nuisance within the ten (10) day period specified in the notice.

SECTION 4: Failure to abate - Civil Remedies.

In addition to, supplemental to, and cumulative of those provisions set out in Section 3 of this Code, if the owner fails or refuses to abate and remove said nuisance within the prescribed time period the Village may perform the necessary work to remove and abate such nuisance or may cause the same to be done and pay therefor. The expenses incurred in doing or having such work done or improvements made may be assessed on the real estate or lot or lots or premises upon which such expenses is incurred. On filing with the county clerk of the County of Galveston, Texas, a statement by the mayor of such expenses, the Village shall have a privileged lien against said real estate, or lot or lots or premises, second only to tax liens and liens for street improvements to secure the expenditures so made and ten per cent (10%) compound interest, compounded quarterly, on the amount of expenditures from the date of such payment. For any such expenditures, and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the Village. The statement by the mayor, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements.

SECTION 5:

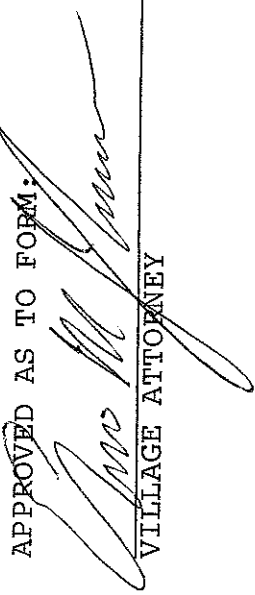
Any person, firm, corporation or other legal business entity, upon violation of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding Two Hundred and no/100 (\$200.00).

SECTION 6:

That this Ordinance shall become effective from and after its adoption and publication as required by Law.


VILLAGE SECRETARY


Mayor

APPROVED AS TO FORM:

VILLAGE ATTORNEY