

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND PROMOTE THE PUBLIC WELFARE OF THE CITY OF COOPER, TEXAS, BY PROVIDING FOR THE FILLING UP AND DRAINAGE OF LOTS THAT SHALL HAVE UNWHOLESOME PLACE OR PLACES WHERE STAGNANT WATER MAY ACCUMULATE THEREON: THE CLEANING OF ANY BUILDING OR PREMISES OF FILTH, CARRING ON OR OTHER IMPURE AND UNWHOLESOME MATTER REQUIRING OWNERS OR OCCUPANTS OF LOTS IN THE CITY OF COOPER, TEXAS, TO KEEP SAID LOTS FREE FROM WEEDS, RUBBISH BRUSH AND OTHER USIGHTLY OR INSANITARY MATTER; INCASE OF FAILURE OF OWNER TO MAKE LOTS AND/OR PREMISES SANITARY AND SIGHTLY THAT THE SAME MAY BE DONE AT THE EXPENSE OF THE CITY OF COOPER, TEXAS, PROVIDING FOR THE FIXING OF A LIEN AGAINST SUCH IMPROVEMENT: AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed by the City Council of the City of Cooper, Texas, that it is dangerous to the public health for the lots in the City of Cooper, Texas to have places thereon where stagnant water may accumulate and for filth, carrying on or other impure and unwholesome matter to accumlate on lots in said City that it have is dangerous to public health and contitures a fire hazard to weeds, brush, rubbish and other unsightly and insanitary matter on lots in the City of Cooper, Texas and

WHEREAS, it is expressly provided by the provisions of articles 4436, Revised Cicil Statures of Texas, as amended, that cities of a population of more than 5, 000 people shall have the power to correct the evils hereinbefore recited and the City of Cooper Texas is a City of less than 5,000 populations:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COOPER, TEXAS.

SECTION 1: That it shall be unlawful for any person , firm or corporation who shall own or occupy any lot or lots in the City of Cooper, Texas, to permit or allow the accumulation of stagnant, or to permit same to remain.

SECTION 2: It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots in the City of Cooper, Texas to permit or allow the accumulation of stagnant water thereon, or to permit same to remain.

SECTION 3: It shall be unlawful for any person, firm or corporation who shall own or occupy any house, buildings, establishment lot or yard in the City of Cooper, Texas to permit or allow any carrion, filth or other impure or unwholesome matter to accumulate or remain thereon.

SECTION 4: It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots other unsightly, objectionable or insanitary matter to accumulate or grow on said lot or lots.

SECTION 5: Should any owner of such lot or lots that have places thereon where stagnant water may accumulate and/or which are not properly drained, or the owner of any premises or building upon which carrion, filth or other impure or unwholesome matter may be fail and/or refuse to drain and/or fill the said lot or lots, or remove such filthe carrion or other impure or unwholesome matter as the case may be, within ten days after notice to said owner to do so, in writing, or by letter addressed to such owner at his postoffice address or within ten days after notice by publication as many as two times within ten consecutive days in any newspaper in Cooper, Texas, if personal sevice may not be had as afore-said, or if the owners address be not known; then in that event, the City of Cooper, Texas, may do such filling or draining or removal of filth, carrion, etc., or any other unsightly, objectionable or unsanitary matter, or cause the same to be done and may pay therefor and charge the expense incurred in diong such work or having such work done or improvements made to the owner of such lot or lots or real estate, and if such work is done or improvements made at the expense of the City of Cooper, T exas then such expense of the City of Cooper, Texas then such expense shall be assessed on the real estate, or lot or lots upon which expense was incurred.

SECTION 6: Should any owner of any lot or within the City of Cooper, Texas, who shall allow weeds, rubbish, brush or any other unsightly, objectionable or insanitary matter to grow or accumulate thereon, fail and/or refuse to cut down and or remove such leaves rubbish, brush or other unsightly, objectionable or insanitary matter to do so, in writing, or by letter addressed to such owner to do so, within ten days after the notice by any newspaper in Cooper, Texas, the City may do so cutting down and or removing such weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter, or cause the same to be done and may pay therefore and charge the expenses incurred in doing such work or having work done or improvements made to the owner of such lot or lots or real estate; and, if such work is done or improvements made at the expense of the City of Cooper, Texas, then such expense shall be assessed on the real estate, or lot or lots upon which expense was incurred.

SECTION 7: The Mayor of City Health Officer of the City of Cooper, Texas, shall file a statement of such expenses incurred under section 5 or under section 6 of this ordinance, as the case may be, giving the amount of such expenses, the date of which said work was done are improvements made, with the County Clerk of Delta County Texas; and the City of Cooper, Texas, shall have a privileged lien on such lot or lots or real eastate upon which said work was done or improvements made to secure the expenditures so made, in accordance with the provisions of said Article 4436, Revised Civil Statutes of Texas, as amended, which said lien shall be second only to tax liens and liens for street improvements; and said amount shall bear ten percent interest from the date said statement was filed,. It is further provided that any percent interest for such expenditures, and interest, as afore said, suit may be institute and recovery and fore closure of said lien may be had in t e name of the City of Cooper, Texas; and the statement of expenses so made, as afore said or a certified copy thereof, shall prima facie proof of the amount expended for such work or improvements.

SECTION 8: Any person, firm or individual who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, upon conviction shall be fined in any sum not exceeding Two Hundred Dollars (200.00).

and each and every day's violation shall occupant of any lot, lots or premises under the provisions of this ordinance, the President, Vice-President, Secretary, Treasurer such corporation, of any manager, agent or employee of such corporation shall be also severally liable for the pentalties herein provided.

SECTION 9: That if any of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

SECTION 10: All other ordinances or parts of ordinances in conflict with ordinance are hereby repealed.

SECTION 11: This Ordinance shall become effective September 15, 1971.

PASSED AND ADOPTED this 14th day of September, A. D. 1971.

ATTEST:

Odis G. Watkins, Mayor

Daphne Blevins, City Clerk

APPROVED AS TO FORM Truman Ratliff, City Attorney

1971

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SECTION 8. Any person, firm or individual who shall violate any of the provision of this ordinance shall be guilty of a misdemeanor, upon conviction shall be fined in any sum not exceeding Two Hundred Dollars (200.00), and each and every day's violation shall occupant of any lot, lots or premises under the provisions of this ordinance, the President, Vice-President, Secretary, Treasurer such corporation, of any manager, agent or employee of such corporation shall be also severally liable for the penalties herein provided.

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