

ORDINANCE NO. 26

AN ORDINANCE FINDING THAT CERTAIN WEEDS ARE DELETERIOUS TO PUBLIC HEALTH, COMFORT AND WELFARE AND ARE NUISANCES, REQUIRING OWNERS AND POSSESSORS OF PROPERTY TO KEEP THEIR PROPERTY FREE OF SUCH WEEDS AND PROVIDING FOR THE ABATEMENT OF SAID WEEDS BY THE CITY AND CHARGING THE COST TO THE OWNERS OF THE LAND AND FOR PLACING A LIEN UPON THE LAND FOR SAID COST AND FURTHER PROHIBITING ACCUMULATIONS OF RUBBISH AND TRASH TO PREVENT RAT INFESTATION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLINT, TEXAS:

Section 1. Noxious weeds—Enumerated. The city council finds that the following weeds are deleterious to the public health, comfort and welfare, and are nuisances; and the term "noxious weeds" as used in this article shall include any and all of such weeds:

- (1) Johnson grass;
- (2) The following members of the family Chenopodiaceae (goosefoot family):
Shad scale and salt bush (genus *Atriplex*),
Tumbleweed and Russian thistle (genus *Salsola*),
Lambs' quarters (genus *Chenopodium*);
- (3) All members of the family Amaranthaceae (pigweed family), including but not limited to tumbleweed (*Amaranthus gracizans*) and careless weed (*Amaranthus palmeri*);
- (4) The following members of the family Compositae (Sunflower family):
Marsh elder (genus *Iva*),
Cocklebur (genus *Xanthium*),
Ragweed (genus *Ambrosia*),
False ragweed (genus *Franseria*),
Mugwort and desert sagebrush (genus *Artemisia*);
- (5) All members of the family Plantaginaceae (plantain family).

Section 2. Same — Who is deemed the owner. The person having the right to possession of any land within the city, or outside the city and within the extraterritorial jurisdiction of the town, shall keep such land, and also the sidewalk and parking, if any between the land and the roadway of an abutting street, free of all noxious weeds, as herein defined.

Within the meaning of this article the person having the right to possession of land is the owner; or if the land is leased or rented, the lessee or tenant; and, if the property is unoccupied, any agent having authority to lease, rent, sell, manage, or take care of the land.

Section 3. Same — Abatement.

(a) As an additional means of enforcing this article, and regardless of whether or not any person is convicted of a misdemeanor for the violation of this article, the mayor or the person designated by the mayor, is authorized to notify the owner that his land contains noxious weeds in violation of this article, and that such weeds must be removed or destroyed within ten days after receipt of such notice.

(b) Such notice shall be in writing and be delivered in person or sent by certified mail with return receipt requested, to the owner, or to any one or more of the owners if the land be owned joint or in common, or to any agent having authority to lease, rent, sell, manage or take care of the land. If after reasonably diligent efforts the person to be so notified cannot be found notice may be given by publishing two times within ten consecutive days in a newspaper of general circulation in El Paso County, Texas by leaving a copy with any person over eighteen years of age who may be living on or doing business on the land.

(c) The person given such notice, or any person having an interest in the property, shall if he so requests be given a hearing before the mayor or the person designated by the mayor, to show cause, if there be any, why the order should not be enforced.

(d) If the owner or agent fails to remove or destroy the weeds within ten days after receipt of notice, or within ten days after receipt of notice, or within ten days after substituted or constructive service of notice, the superintendent of sanitation is authorized to destroy all weeds (whether noxious or not) on the property. He shall then report to the city council the actual cost of destroying and removing such weeds, including labor costs, transportation expenses, and a reasonable allowance for use of equipment and materials.

(3) The city council may by resolution determine the actual cost of destroying and removing the weeds, and declare the amount, plus the cost of recording the resolution, to be a lien on the property, payable within ten days after adoption of the resolution, and thereafter bearing six per cent interest per annum until paid. A copy of the resolution, authenticated by the acknowledgment of the city clerk, shall be filed for record in the office of the county clerk.

Section 4. Accumulation of trash, rubbish, etc.

(a) No person shall permit any premises, improved or unimproved on which evidence of rat infestation is found, or any lots or alleys adjacent to such property, to accumulate lumber, boxes, barrels, bricks, stones or any other character of materials that may be used as a harborage for rats unless same shall be placed on open racks and elevated not less than eighteen inches above the ground, with a clear intervening space underneath.

(b) It shall be unlawful for any person to use or maintain any business building or premises in such manner that a rat harborage is brought into existence or maintained.

(c) It shall be unlawful for any person to dump or place on any land or on any water or waterways within the city any dead animals, butchers' offal, sea food or any waste vegetables, animal matter or any food products whatsoever.

(d) No garbage, rubbish, waste or manure shall be placed, left, dumped or permitted to accumulate or remain in any building or premises in the city so that same shall or may afford food for or a harborage or breeding place for rats. Rat burrows and other exterior harborage shall be teated as directed by the director of the city-county health unit, in accordance with accepted sanitation practice.

Section 5. Weeds and Unmowed Grass Constituting Fire Hazard.

Vacant property shall be kept free of accumulations of dead weeds and unmowed grass constituting a fire hazard. It shall be the Owners responsibility to clean off all such weeds, and keep grass areas on vacant property and adjoining irrigation ditches mowed so as to prevent any fire hazard.

Section 6. Dead Trees. Dead or discarded trees, located on vacant or occupied property, that jeopardize adjoining property shall be removed by the Onwer of the property containg said dead or discarded trees.

PASSED AND APPROVED by the Town of Clint Council in a
regular Council meeting this the 19 day of November, 1979.

Maria Teresa Alvarado
Maria Teresa Alvarado, Mayor

ATTEST:

Paula Rodriguez
Town Secretary

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