

ORDINANCE NO. 092-009

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CERTAIN PROVISIONS OF THE EXISTING CHAPTER TEN (10) ARTICLE II REGARDING "MAINTAINING NUISANCE" IN ORDER TO CORRECT CONFLICTS BETWEEN SUCH CODE PROVISIONS AND CERTAIN PROVISIONS OF THE STATE HEALTH AND SAFETY CODE, CHAPTER 342; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter Ten (10) Article II of the Town of Addison Code, regarding "Maintaining Nuisance" provides for certain notice to property owners and provide for certain city charges to property owners for city correction of certain nuisances;

WHEREAS, the State Health and Safety Code Section 342.006 provides for certain procedures as to city enforcement of nuisance ordinances;

WHEREAS, the City desires to implement the state procedures as to City enforcement of nuisances ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances, Town of Addison, Texas, Sections 10-26 and 10-28 are hereby repealed in their entirety.

SECTION 2. That a new Code of Ordinances, Town of Addison, Texas, Section 10-26, be and is hereby added and enacted, which shall be as follows:

10-26

- (a) If the owner of property in the City does not comply with each of the applicable requirements of the preceding Sections 10-18 through 10-24 of this ordinance within ten (10) days of notice of a violation, the City shall have the right, but not the obligation, to:
- (1) do the work or make the improvements required; and
 - (2) pay for the work done or improvements made and

charge the expenses to the owner of the property.

- (b) The notice referred to in subsection (a) of this section 10-26 must be given:
 - (1) personally to the owner in writing;
 - (2) by letter addressed to the owner at the owner's post office address; or
 - (3) by publication at least twice within ten (10) consecutive days if personal service cannot be obtained or the owner's post office address is unknown.
- (c) Nothing herein shall be construed to place the burden of maintenance of any property or easements, as "easement" is defined in these ordinances, including, but not limited to, drainage and floodway easements, on the city.
- (d) This Section 10-26 shall be construed to conform to the requirements and provisions of the State Health and Safety Code, Section 342.006.
- (e) The expenses to be charged to the owner of the property, as authorized by subsection (a)(2) of Section 10-26, shall include:
 - (1) the amount paid by the city for the work done or improvements made;
 - (2) the costs of inspection;
 - (3) the costs of publishing notice in the newspaper;
 - (4) and a \$50.00 administrative fee to cover the costs of identifying and notifying the owner of the property, and incidental expenses.
- (f) In the event that the owner of the property fails or refuses or for any other reason does not pay the expenses specified in subsection (e) of Section 10-26 within thirty (30) days after the first day of the month following the month in which the work was done or improvements were made by the City, the governing body of the City may assess expenses incurred, those expenses defined in subsection (e)

of Section 10-26, against the real estate on which the work was done or improvements made by the City.

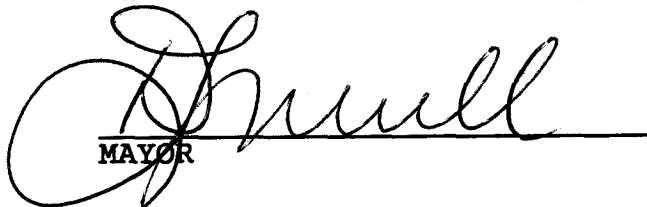
- (g) To obtain a lien against the property, the governing body, the city health authority, the city manager, or city tax authority shall file a statement of expenses, those expenses defined in subsection (e) of Section 10-26, with the County Clerk of Dallas County.
- (h) The lien obtained by the City is security for the expenditures made and interest accruing at the rate of 10 percent on the amount due from the date of payment by the City.
- (i) The lien is inferior only to:
 - (1) tax liens; and
 - (2) liens for street improvements.
- (j) The City may bring a suit for foreclosure in the name of the City to recover the expenditures and interest due.
- (k) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.
 - (1) The remedies provided by this Section 10-26 shall be in addition to all other remedies available to the City.

SECTION 3. That all other Ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 5. This Ordinance shall take effect and be in force from and after its adoption as provided by law.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the 28th day of January, 1992.


MAYOR

ATTEST:


CITY SECRETARY

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3/5/92

