

PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS REQUIRING (A) THE SANITARY MAINTENANCE OF PROPERTY, INCLUDING THE PREVENTION OF HOLES, STAGNANT WATER, HEALTH HAZARDS, ACCUMULATION OF IMPURE OR UNWHOLESOME MATTER, AND ACCUMULATION OF WEEDS AND RUBBISH; AND (B) PROVIDING FOR THE REMOVAL AND REMEDY OF SAME; AND (C) ESTABLISHING A LIEN FOR SAID REMOVAL AND REMEDY; AND (D) PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE BY ANY PERSON WHERE, UPON CONVICITON, SUCH PERSON SHALL BE FINED NOT MORE THAN TWO HUNDRED DOLLARS(\$200.00) FOR EACH VIOLATION.

WHEREAS, THE CITY COUNCIL OF FRANKSTON, TEXAS desires to establish procedures by which to regulate property maintenance and to provide remedies for the failure to do so, as authorized pursuant to Chapter 342 of the Texas Health and Safety Code.

NOW, THEREFORE, be it ordained by the City council of Frankston, Texas as follows:

Section 1.

For purposes of this Ordinance, the following terms shall have the meanings set forth below ascribed to them:

- (a) "City" shall mean the City of Frankston, Texas.
- (b) "Controlling" shall mean owning, claiming, occupying, or otherwise having supervision or control of any Real Property.
- (c) "Proper Notice" shall mean notice given: (1) personally to the owner of Real Property containing a condition in violation of this Ordinance; (2) by letter Addressed to such owner at the owner's address as recorded in the appraisal district records of Anderson County, Texas; or (3) if personal service cannot be obtained as described above, (x) by publication at least once in any newspaper of general circulation in the City, (y) by posting the notice on or near the front door of each building on the Real Property to which the violation relates, or (z)

by posting the notice on a placard attached to a stake driven into the ground on the Real Property to which the violation relates, if the property contains no buildings. A notice shall be deemed delivered and the validity of the same is not affected if the City mails the notice to such owner in accordance with this paragraph and the United States Postal Service returns the notice as “refused” or “unclaimed”.

- (d) “Person” shall mean any individual, sole proprietorship, partnership, limited liability company, corporation, other business entity, governmental unit, or organization and shall include, without limitation, any owner or occupant of Real Property.
- € “Real Property” shall mean and include any lot, land or building or structures affixed to any lot or land, whether occupied or unoccupied, located within the corporate limits of the City.

Section 2.

It shall be unlawful for any Person controlling any Real Property to fail to keep and maintain such property, and the sidewalks, if any, bordering or adjacent to such property, free from the following:

- (a) holes, sinkholes, or other areas where water may accumulate and become Stagnant;
- (b) filth, trash, rubbish, carrion or other impure, unsanitary, unsightly, or unwholesome matter; and
- (c) any other condition that is unwholesome of that may produce disease.

Section 3.

It shall be unlawful for any Person Controlling any Real Property to fail to keep and maintain free from objectionable and unsightly weeds and brush: (a) any area of such Real Property located within one hundred fifty (150) feet of any property line, and (b) the area between the property line of such Real Property and the curb line adjacent to such Real Property, or if there shall be no curb line, then the area including ten (10) feet outside of such property line adjacent to a street or public easement. All vegetation not regularly cultivated and which exceeds a height of eighteen (18) inches shall be presumed to be objectionable and unsightly. It shall be unlawful for any Person controlling any Real Property to allow regularly cultivated agricultural crops to grow within the right of way of any public street or easement. The removing and cutting of weeds and brush at least once every thirty (30) days shall be deemed in compliance with this section. Each Person controlling any Real Property shall prevent weeds and brush growing on such Real Property from becoming a nuisance.

Section 4.

It shall be unlawful for any Person Controlling and Real Property to dump, spill, blow, empty, discharge, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into any City street, roadway, or sewer: Any trash, rubbish, yard waste, or other floatable material. For the purposes of this Section, "yard waste" shall mean leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

Section 5.

This Ordinance shall not apply to the following Real Property, provided such Real Property does not abut to Real Property containing a residence:

- (a) Any undeveloped single portion of Real Property consisting of no less than one half (1/2) acre; and
- (b) Creeks, nature trails, undeveloped wooded property, and pastures used for farming or raising livestock.

Section 6.

Should any Person violate this Ordinance and fail to remedy or remove the condition causing such violation within seven days of Proper Notice of such violation, the City may:

- (a) do the work or make the improvements, or cause the same to be done, required to bring the Real Property to which the violation relates in compliance with this Ordinance; and
- (b) pay for the work done or improvements made and charge the expenses to the owner of the Real Property to which the violation relates.

Section 7.

In any Proper Notice under this Ordinance, the City may inform the owner of such Real Property to which a violation relates by regular mail and posting a notice on the property that if such owner commits another violation of the same kind of nature that poses a danger to the public health and safety on or before the first anniversary of the date of the Proper Notice, the City may without further notice correct the violation at such owner's expense and assess the expenses against the Real Property. If a violation covered by a Proper Notice occurs within the one-year period, and the City has not been informed in writing by such owner of an ownership change, then the City without notice may take any action permitted by Section 6 and assess its expenses as provided in Section 8.

Section 8.

The City shall assess the expense incurred by taking any action provided in Section 6 against the Real Property on which the work is done or improvements made. Interest on such expense shall accrue at the rate of ten percent (10%) on the amount due from the date of payment by the City. To obtain a lien on such Real Property, the Mayor, City Health Officer, or other City Official shall file a statement of such expenses with the county clerk of Anderson County. The

lien statement shall state the name of the owner, if known and the legal description of such Real Property. The lien shall attach upon the filing of the lien statement with the county clerk. The lien obtained by the City shall be security for the expenditures made and accrued interest. The lien is inferior only to tax liens and liens for street improvements. The City may bring a suit for foreclosure in the name of the City to recover the expenditures and interest due. The statement of expenses, or a certified copy of the same, shall be prima facie proof of the expenses incurred by the City in doing the work or making the improvements. The remedy provided by this section is in addition to the remedy provided by Section 9. The City may foreclose any such lien in a proceeding relating to the Real Property brought under Subchapter E, Chapter 33, and Texas Tax Code.

Section 9.

Any Person who shall violate this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined in any sum not exceeding TWO HUNDRED DOLLARS (\$200.00). and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any Real Property maintained in violation of this Ordinance shall be a corporate or other entity, the president, vice-president, secretary, or treasurer of such corporation, or any manager, agent, or employee of such entity shall also be severally liable for the penalties herein provided.

Section 10.

If any article, section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or be held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part of the provisions thereof, other than the part so decided to invalid or held to be unconstitutional.

IT IS ACCORDINGLY, SO ORDAINED this 10th day of NOVEMBER, 2015.

CITY OF FRANKSTON, TEXAS

Name: Raym Christen
Title: Mayor

ATTEST:

Jan Hamilton

City Secretary

see
revised
11-10-15

PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, REQUIRING (A) THE SANITARY MAINTENANCE OF PROPERTY, INCLUDING THE PREVENTION OF HOLES, STAGNANT WATER, HEALTH HAZARDS, ACCUMULATION OF IMPURE OR UNWHOLESOME MATTER, AND ACCUMULATION OF WEEDS AND RUBBISH; AND (B) PROVIDING FOR THE REMOVAL AND REMEDY OF SAME; AND (C) ESTABLISHING A LIEN FOR SAID REMOVAL AND REMEDY; AND (D) PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE BY ANY PERSON WHERE, UPON CONVICTION, SUCH PERSON SHALL BE FINED NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR EACH VIOLATION.

WHEREAS, THE CITY COUNCIL OF FRANKSTON, TEXAS desires to establish procedures by which to regulate property maintenance and to provide remedies for the failure to do so, as authorized pursuant to Chapter 342 of the Texas Health and Safety Code.

NOW, THEREFORE, be it ordained by the City Council of Frankston, Texas, as follows:

Section 1.

For purposes of this Ordinance, the following terms shall have the meanings set forth below ascribed to them:

- (a) "City" shall mean the City of Frankston, Texas.
- (b) "Controlling" shall mean owning, claiming, occupying, or otherwise having supervision or control of any Real Property.
- (c) "Proper Notice" shall mean notice given: (1) personally to the owner of Real Property containing a condition in violation of this Ordinance; (2) by letter addressed to such owner at the owner's address as recorded in the appraisal district records of ANDERSON County, Texas; or (3) if personal service cannot be obtained as described above, (x) by publication at least once in any newspaper of general circulation in the City, (y) by posting the notice on or near the front door of each building on the Real Property to which the violation relates, or (z) by posting the notice on a placard attached to a stake driven into the ground on the Real Property to which the violation relates, if the property contains no buildings. A notice shall be deemed delivered and the validity of the same is not affected if the City mails the notice to such owner in accordance

with this paragraph and the United States Postal Service returns the notice as "refused" or "unclaimed".

- (d) "Person" shall mean any individual, sole proprietorship, partnership, limited liability company, corporation, other business entity, governmental unit, or organization and shall include, without limitation, any owner or occupant of Real Property.
- (e) "Real Property" shall mean and include any lot, land, or buildings or structures affixed to any lot or land, whether occupied or unoccupied, located within the corporate limits of the City.

Section 2.

It shall be unlawful for any Person Controlling any Real Property to fail to keep and maintain such property, and the sidewalks, if any, bordering or adjacent to such property, free from the following:

- (a) holes, sinkholes, or other areas where water may accumulate and become stagnant;
- (b) filth, trash, rubbish, carrion, or other impure, unsanitary, unsightly, or unwholesome matter; and
- (c) any other condition that is unwholesome or that may produce disease.

Section 3.

It shall be unlawful for any Person Controlling any Real Property to fail to keep and maintain free from objectionable and unsightly weeds and brush: (a) any area of such Real Property located within one hundred fifty (150) feet of any property line, and (b) the area between the property line of such Real Property and the curb line adjacent to such Real Property, or if there shall be no curb line, then the area including ten (10) feet outside of such property line adjacent to a street or public easement. All vegetation not regularly cultivated and which exceeds a height of eighteen (18) inches shall be presumed to be objectionable and unsightly. It shall be unlawful for any Person Controlling any Real Property to allow regularly cultivated agricultural crops to grow within the right of way of any public street or easement. The removing and cutting of weeds and brush at least once every thirty (30) days shall be deemed in compliance with this section. Each Person Controlling any Real Property shall prevent weeds and brush growing on such Real Property from becoming a nuisance.

Section 4.

This Ordinance shall not apply to the following Real Property, provided such Real Property does not abut to Real Property containing a residence:

- (a) Any undeveloped single portion of Real Property consisting of no less than one-half (1/2) acre; and
- (b) Creeks, nature trails, undeveloped wooded property, and pastures used for farming or raising livestock.

Section 5.

Should any Person violate this Ordinance and fail to remedy or remove the condition causing such violation within seven days of Proper Notice of such violation, the City may:

- (a) do the work or make the improvements, or cause the same to be done, required to bring the Real Property to which the violation relates in compliance with this Ordinance; and
- (b) pay for the work done or improvements made and charge the expenses to the owner of the Real Property to which the violation relates.

Section 6.

In any Proper Notice under this Ordinance, the City may inform the owner of such Real Property to which a violation relates by regular mail and posting a notice on the property that if such owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the Proper Notice, the City may without further notice correct the violation at such owner's expense and assess the expenses against the Real Property. If a violation covered by a Proper Notice occurs within the one-year period, and the City has not been informed in writing by such owner of an ownership change, then the City without notice may take any action permitted by Section 5 and assess its expenses as provided in Section 7.

Section 7.

The City shall assess the expense incurred by taking any action provided in Section 5 against the Real Property on which the work is done or improvements made. Interest on such expense shall accrue at the rate of ten percent (10%) on the amount due from the date of payment by the City. To obtain a lien on such Real Property, the Mayor, City Health Officer, or other City Official shall file a statement of such expenses with the county clerk of Anderson County. The lien statement shall state the name of the owner, if known, and the legal description of such Real Property. The lien shall attach upon the filing of the lien statement with the county clerk. The lien obtained by the City shall be security for the expenditures made and accrued interest. The lien is inferior only to tax liens and liens for street improvements. The City may bring a suit for foreclosure in the name of the City to recover the expenditures and interest due. The statement of expenses, or a certified copy of the same, shall be prima facie proof of the expenses incurred by the City in doing the work or making the improvements. The remedy provided by this section is in addition to the remedy

provided by Section 8. The City may foreclose any such lien in a proceeding relating to the Real Property brought under Subchapter E, Chapter 33, Texas Tax Code.

Section 8.


Any Person who shall violate this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding TWO HUNDRED DOLLARS (\$200.00), and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any Real Property maintained in violation of this Ordinance shall be a corporate or other entity, the president, vice-president, secretary, or treasurer of such corporation, or any manager, agent, or employee of such entity shall also be severally liable for the penalties herein provided.

Section 9.

If any article, section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or be held unconstitutional, the same shall not effect the validity of the Ordinance as a whole or any part of the provisions thereof, other than the part so decided to be invalid or held to be unconstitutional.

IT IS, ACCORDINGLY, SO ORDAINED this 12th day of June, 2001.

CITY OF FRANKSTON, TEXAS


Name: JAMES GOUGHER
Title: Mayor

ATTEST:


City Secretary

AN ORDINANCE #50801

Rescinding Ordinance No. 14-05-91 pertaining to Property Maintenance in the City Limits of the City of Frankston.

WHEREAS, the Frankston City Council on May 8th, 2001 at the regular council meeting voted to rescind Property Maintenance Ordinance No. 14-05-91 in its entirety; and

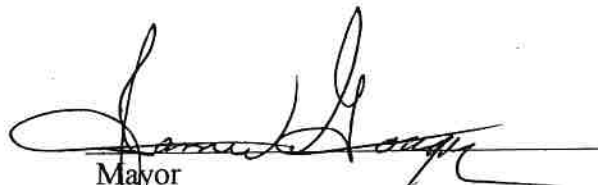
WHEREAS, the motion and second of this vote being Unanimous was put in the Minutes of May 8th, 2001 to rescind Ordinance No. 14-05-91; and

BE IT ORDAINED by the City Council of the City of Frankston, Texas, Anderson, County.

Passed and

Approved this 8th day of May 2001.


Attest: City Secretary


Mayor

original is attached
(051491)
REV.

PROPERTY MAINTENANCE ORDINANCE

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WHEREAS, THE CITY OF FRANKSTON, TEXAS, has received for procedures by which to regulate property maintenance and to provide remedies for the failure to do so.

NOW, THEREFORE, be it ordained by the City Council of Frankston, Texas, as follows:

Sec. 1.

It shall be unlawful for any person, firm or corporation owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the City to keep such property free from holes, sinks or places where water may accumulate and become stagnant, rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind, and to keep the sidewalks in front of his property free and clear of the same; which shall be unwholesome or have stagnant water there.

Sec. 2.

It shall be unlawful for any person, firm or corporation owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied within the corporate limits of the City to allow weeds or brush to grow to a greater height than eighteen (18) inches upon any such real property within one hundred fifty (150) feet of any property line. It shall be the duty of such person to keep the area from the line of his property to the curb line next adjacent to it, if there be a curb line, and if not, then within ten (10) feet outside that property line, free and clear of the matter referred to above. All vegetation not regularly cultivated and which exceeds eighteen (18) inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops shall not be allowed to grow within the right of way of any public street or easement, but shall be maintained the same as provided above.

Sec. 3.

It shall be the duty of any person, firm or corporation claiming, occupying or having supervision or control of any real property, as provided in the preceding section, to cut and remove all such weeds and brush as often as may be necessary to comply: provided, that the removing and cutting same at least once in every thirty (30) days shall be deemed in compliance with this section and every person, firm or corporation shall use every precaution to prevent the same growing on such premises so as to become a nuisance.

Sec. 4.

Exceptions: Any undeveloped real property of one-half ($\frac{1}{2}$) acre or more not abutting to a residence. Creeks, nature trails, undeveloped wooded property, and pastures used for farming or raising livestock, not abutting a residence.

Sec. 5.

Should any person, firm, or corporation, claiming, occupying or having supervision or control of any real property, occupied or unoccupied within the corporate limits of the City allows holes, sinks or places where water may accumulate and become stagnant, rubbish, trash, filth, carrions or other impure or unwholesome matter of any kind, fails and/or refuses to drain and/or fill said real property, or remove such stagnant water, rubbish, trash, filth, carrion or other impure or unwholesome matter as the case may be, within ten days after notice to said person, firm or corporation in writing or by letter addressed to such owner at his post office address or within ten days after notice by publication as many as two times within ten days. If personal service may not be had as aforesaid, or if the owner's address be not known, then in that event the City may do such filling or draining or removal of rubbish, trash, filth, carrion or other impure or unwholesome matter or cause any necessary work or improvement to be done, pay therefor and charge the expenses in doing such work or having such work or improvements done made to the owner of such property as herein provided; and, if such work is done or improvements made at the expense of the City, then such expense or expenses shall be assessed on the real estate or property upon which such expense was incurred.

Sec. 6.

Should any owner of any property, lot or lots within the City who shall allow weeds, brush or any other unsightly, objectionable or unsanitary matter to grow or accumulate thereon, fail and/or refuse to cut down and/or remove such weeds, brush, or other unsightly, objectionable or unsanitary 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 post office address, or within ten days in any newspaper of general circulation in the City, may do such cutting down and/or removing such weeds, brush or any other unsightly, objectionable or unsanitary matter to grow or accumulate thereon, fail and/or refuse to cut down and/or remove such weeds, brush, or other unsightly, objectionable or unsanitary 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 post office address, or within ten days in any newspaper of general circulation in the City, may do such cutting down and/or removing such weeds, brush 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 doing 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 to the owner of such lot, lots or real estate, and if such work is done or improvements made at the expense of the City, then such expense or expenses shall be assessed on the real estate upon which such expense was incurred.

Sec. 7.

The Mayor, City Health Officer, or other City official shall file a statement of such expenses incurred under Sec. 5 and Sec. 6 of this article, as the case may be, giving the amount of such expenses and the date on which said work was done or improvements made, with the County Clerk, and the City shall have a privileged lien on such lot or lots or real estate upon which said work was done or improvements made to secure the expenditures so made in accordance with the provision of said Article 4436, Revised Civil Statutes of Texas, 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 expenditures and interest as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

Sec. 8.


Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding TWO HUNDRED DOLLARS (\$200.00), and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any lot, or lots, or other premises under the provisions of this article shall be a corporation and shall violate any provisions of this article, the president, vice-president, secretary, or treasurer of such corporation, or any manager, agent or employee of such corporation, shall be also severally liable for the penalties herein provided.

Sec. 9.


If any article, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or be held unconstitutional, the same shall not effect the validity of the ordinance as a whole or any part of the provision thereof, other than the part so decided to be invalid or held to be unconstitutional.

IT IS, ACCORDINLY, SO ORDAINED this 14th day of May, 1991.

CITY OF FRANKSTON, TEXAS


JAMES L. GOUGER, MAYOR

ATTEST:


City Secretary

1988

PROPERTY MAINTENANCE ORDINANCE

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, REQUIRING THE MAINTENANCE OF PROPERTY, INCLUDING THE PREVENTION OF HOLES, STAGNANT WATER, HEALTH HAZARDS, ACCUMULATION OF IMPURE OR UNWHOLESOME MATTER, AND ACCUMULATION OF WEEDS AND RUBBISH; and PROVIDING FOR THE REMOVAL AND REMEDY OF SAME AND FOR THE ESTABLISHMENT OF A LIEN AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE BY ANY PERSON AND, UPON CONVICTION, SUCH PERSON SHALL BE FINED NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00).

WHEREAS, THE CITY OF FRANKSTON, TEXAS, has received for procedures by which to regulate property maintenance and to provide remedies for the failure to do so.

NOW, THEREFORE, be it ordained by the City Council of Frankston, Texas, as follows:

Sec. 1. Holes on Property

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots, grounds or yards in the City to permit or allow holes, sinks, or places on said lots where water may accumulate and become stagnant, unwholesome or otherwise liable to produce disease.

Sec. 2. Accumulation of Water

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

Sec. 3. Accumulation of Impure or Unwholesome Matter

It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building, establishment, lot, grounds or yard in the City to permit or allow any carrion, filth or other impure or unwholesome matter of any kind to accumulate or remain thereon.

Sec. 4. Accumulation of Weeds and Rubbish

It shall be unlawful for any person, firm or corporation who shall own or occupy any lot or lots, grounds or yards in the City

to allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter of any nature to accumulate or grow on said lot or lots.

Sec. 5. Removal of Filth and Filling of Holes by City

Should any owner of such lot or lots, grounds or yards have places thereon where stagnant water may accumulate and/or which are not properly drained, or the owner of any premises, house, establishment, lot, grounds, yard or building upon which carrion, filth, or other impure or unwholesome matter fails and/or refuses to drain and/or fill the said lot or lots, grounds or yards, or remove such filth, carrion or other impure or unwholesome matter, as the case may be, within ten days after notice to said owner, in writing or by letter addressed to such owner at his post office address or within ten days after notice by publication as many as two times within ten consecutive days. If personal service may not be had as aforesaid, or if the owner's address be not known, then in that event the City may do such filling or draining or removal of filth, carrion, etc., or any other unsightly, objectionable or unsanitary matter, or cause any necessary work or improvement to be done, pay therefor and charge the expenses incurred in doing such work or having such work or improvements done made to the owner of such property as herein provided; and, if such work is done or improvements made at the expense of the City, then such expense or expenses shall be assessed on the real estate or lots upon which such expense was incurred.

Sec. 6. Cutting Weeds and Removal of Rubbish by City

Should any owner of any lot or lots within the City who shall allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to grow or accumulate thereon fail and/or refuse to cut down and/or remove such weeds, rubbish, brush or other unsightly, objectionable or unsanitary 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 post office address, or within ten days in any newspaper of general circulation in the City, may do such 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 therefor, and charge the expense incurred in doing 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 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, then such expense or expenses shall be assessed on the real estate, or lot or lots upon which such expense was incurred.

Sec. 7. Lien on Property

The Mayor, City Health Officer, or other City official shall file a statement of such expenses incurred under Sec. 5 and Sec. 6 of this article, as the case may be, giving the amount of such expenses and the date on which said work was done or improvements made, with the County Clerk, and the City shall have a privileged lien on such lot or lots or real estate upon which said work was done or improvements made to secure the expenditures so made in accordance with the provision of said Article 4436, Revised Civil Statutes of Texas, 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 for any such expenditures and interest as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

Sec. 8. Penalties

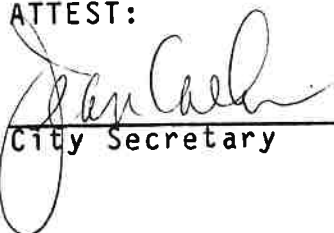
Any person, firm or individual who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding TWO HUNDRED DOLLARS (\$200.00), and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any lot, or lots, or other premises under the provisions of this article shall be a corporation and shall violate any provisions of this article, the president, vice-president, secretary, or treasurer of such corporation, or any manager, agent or employee of such corporation, shall be also severally liable for the penalties herein provided.

Sec. 9. Severability

If any article, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or be held unconstitutional, the same shall not effect the validity of the ordinance as a whole or any part of the provision thereof, other than the part so decided to be invalid or held to be unconstitutional.

IT IS, ACCORDINGLY, SO ORDAINED this ____ day of _____, 1988.

ATTEST:



City Secretary

CITY OF FRANKSTON, TEXAS



DAN WAGNER, MAYOR