

DUBACH ORDINANCE NO. 308-E

An ordinance providing for the establishment of certain standards for premises, the authority of the Town of Dubach to correct deficiencies, ~~collect the cost of correcting deficiencies~~, and collecting the cost of correcting deficiencies.

CARE OF PREMISES

Sec. 1 Responsibility of owner or tenant.

The owner or tenant of every lot and tract of ground situated within the corporate limits of the Town shall keep such premises free of weeds, trash, garbage and other debris.

Sec. 2 Removal of debris or garbage by the Town.

(a) Whenever any owner or occupant of a lot or tract of ground shall fail or refuse to keep the premises free of garbage or other debris, the mayor or officer of the Town shall issue a notice to such owner or tenant to rid his premises of the garbage or other debris and, after ten days from the date of the notice, if the premises have not been freed of the garbage or other debris, the Town shall have the right to enter the premises and remove the garbage or other debris and charge the costs of such removal to the owner or tenant. If such costs are not paid within 21 days after a bill is forwarded to the property owner or tenant, the costs may be recovered in a suit against the owner and/or tenant. The notice shall be given by mailing such notice to the last known address of the owner or tenant, or in case no address is known, then such notice shall be posted for a period of ten days upon the premises containing the garbage or other debris to be removed.

(b) Nothing in this section shall be construed so as to prevent the imposition of a fine and/or imprisonment upon the tenant or owner for the failure to keep the garbage in a closed corrugated galvanized can, or to keep their respective premises free of garbage and other debris.

Sec. 3 Removal of weeds and grass by the Town.

(a) Except where grass is grown for livestock or other commercial purposes, no person occupying any property within the Town shall permit any grass or weeds exceeding a height of ten inches to grow upon such property. If such weeds or grass are permitted to grow upon such property in excess of ten inches, the Town is authorized and empowered to cause the premises to be cleaned by cutting or destroying the weeds or grass. The charges costs and expenses which may be incurred by the Town for the cutting, destruction or removal of such growths shall be paid by the property owner. No such work shall be undertaken by the Town until the owner of the lot, as shown on the last assessment roll of the Town, has an opportunity to do the work himself within at least ten days after notice has been given to him by advertisement in the official journal of the Town for two consecutive days, or after notice has been given to him by registered mail, addressed in accordance with the tax roll of the Town.

(b) If, after the cutting, destruction or removal of such weeds, grass or growths by the Town and after due notice as provided in subsection (a) of this section, the costs or expenses of such cutting, destruction or removal has not been paid within ten days, the tax collector shall furnish the owner, as shown on the last assessment roll of the Town, by registered mail, a written statement showing the costs or expenses incurred for the work and the place or property on which the work was done. If the statement is not paid within one month, the amount of such statement shall be included in, and form part of, the taxes due by the owner of the property, and when such amount shall be collected, it shall be credited to the general fund of the Town.

Sec. 4 Authority to fix cost.

The mayor and Town Council may from time to time fix or determine the amount to be charged an owner or occupant for services in keeping the premises free of garbage and other debris and/or cutting or destroying weeds or grass.

Section 5

If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the Town of Dubach without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause or phrase. To this end, the provisions of this Ordinance are hereby declared severable.

All other Ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed. To the extent that any provision or provisions of this Ordinance are inconsistent or in conflict with any other provision of the Code of Ordinances or any regulation of the Town, the provisions of this Ordinance shall be deemed to control.

This Ordinance shall become effective upon signature of the Mayor.

This Ordinance was introduced on MAY 18, 2009 by Council member Mary Billberry, Notice of Public Hearing having been published on MAY 20, 2009 and said Public Hearing having been held, the title having been read and the Ordinance considered, on motion to adopt by Council member DAVIE POWELL, seconded by Council member HATTIE GRAHAM, a record vote was taken and the following result was had:

YEA:

MARY BILLBERRY
VALLIE CARRICO
HATTIE GRAHAM
DAVIE POWELL
R.C. SPARKS

NAY:

NONE

ABSENT:

NONE

ATTEST:

Justina Hensley
Town Clerk

Margaret Poyen
MAYOR