

ORDINANCE NO. 260

AN ORDINANCE OF THE CITY OF TIOGA REPEALING ORDINANCE NO. 166 AND AMENDING ORDINANCE NUMBER 143, AN ORDINANCE PROVIDING FOR THE FILLING OR DRAINAGE OF ALL LOTS THAT MAY HAVE ACCUMULATED STAGNANT WATER; PROVIDING FOR KEEPING ALL LOTS FREE FROM WEEDS, RUBBISH, BRUSH AND OTHER OBJECTIONABLE AND UNSIGHTLY MATTER IN THE CITY OF TIOGA; PROVIDING FOR NOTICE TO PROPERTY OWNERS; PROVIDING FOR ASSESSMENT OF EXPENSES AND FILING A LIEN; PROVIDING FOR A PENALTY FOR ENFORCEMENT OF THE ORDINANCE.

WHEREAS the City of Tioga has previously adopted Ordinance No. 143 to protect the public health and to promote the public welfare of the City of Tioga; and

WHEREAS the Legislature of the State of Texas has amended the statute regarding notice to property owners who violate the terms of the ordinance; and

WHEREAS the City Council of the City of Tioga desire to amend Ordinance No. 143 to comply with the new notice requirements;

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

SECTION ONE

Ordinance No. 166, previously adopted by the City Council to Amend Ordinance No. 143 is hereby repealed and this ordinance is adopted to amend Ordinance No. 143.

SECTION TWO

Section 4-C of Ordinance No. 143 is hereby amended.

SECTION THREE

Section 4-C of Ordinance No. 143 shall now read as follows:

“WORK OR IMPROVEMENTS BY MUNICIPALITY;

NOTICE. (a) If the owner of property in the City of Tioga does not comply with the municipal ordinance or requirement under this ordinance (Ordinance No. 143) within seven days of notice of a violation, the city may:

- (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 must be given:

(1) personally to the owner in writing;

(2) by letter addressed to the owner at the owner's address as recorded in the Grayson Appraisal District records; or

(3) if personal service cannot be obtained:

(A) by publication at least once;

(B) by posting the notice on or near the front door of each building on the property to which the violation relates; or

(C) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(c) If the city mails a notice to a property owner in accordance with Subsection (b), and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice is considered as delivered.

(d) In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the 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 notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the municipality has not been informed in writing by the owner of an ownership change, then the municipality without notice may take any action permitted by Subsection (a) (1) and (2) and assess its expenses as provided by Section 342.007 of the Health and Safety Code of the State of Texas."

SECTION FOUR

All other terms of Ordinance No. 143 shall remain in full force and effect.

PASSED AND APPROVED THIS 11th DAY OF ^{June}~~MAY~~, 2007.



MAYOR, City of Tiboga

ATTEST:



CITY SECRETARY