

BERRYVILLE CITY ORDINANCE
WEEDS, TRASH, BRUSH

4-4-77

AN ORDINANCE PROVIDING THAT ANY PERSON, FIRM, OR CORPORATION OWNING LAND WITHIN THE TOWN LIMITS OF BERRYVILLE SHALL NOT PERMIT SAID LAND TO GROW UP IN WEEDS OR BRUSH OR PERMIT TRASH OF ANY NATURE TO ACCUMULATE ON SAID LANDS; PROVIDING THAT ANY PERSON, FIRM OR CORPORATION SHALL NOT ALLOW DEAD TREES TO REMAIN ON SAID LAND WHEN SAID TREES ARE IN DANGER OF FALLING ONTO POWER LINES AND/OR ADJACENT PROPERTY. PROVIDING THAT THE CITY SECRETARY SHALL NOTIFY ANY PERSON, FIRM OR CORPORATION OF ANY VIOLATION OF THE ORDINANCE BY REGISTERED MAIL; PROVIDING THAT SUCH NOTICE SHALL GIVE ANY SUCH LANDOWNER THEN (10) DAYS AFTER RECEIPT OF SUCH NOTICE TO REMOVE ANY WEEDS, BRUSH, TRASH OR DEAD TREES; PROVIDING THAT IN THE EVENT SUCH WEEDS, BRUSH, TRASH AND/OR DEAD TREES SHALL NOT BE REMOVED WITH SUCH TEN (10) DAY PERIOD, THEN SUCH PERSON, FIRM OR CORPORATION OWNING SUCH LAND SHALL BE DEEMED IN VIOLATION OF THIS ORDINANCE; PROVIDING FOR A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) DOLLARS NOR MORE THAN ONE HUNDRED (\$100.00) FOR EACH AND EVERYDAY THAT THE LANDOWNER REMAINS IN VIOLATION; PROVIDING THAT AFTER NOTICE TO SUCH LANDOWNER THE CITY MAY CAUSE ANY WEEDS, BRUSH, TRASH AND/OR DEAD TREES TO BE REMOVED FROM ANY LAND WHERE SUCH WEEDS, OR BRUSH HAVE BEEN PERMITTED TO GROW UP OR WHERE TRASH HAS BEEN PERMITTED TO ACCUMULATE OR DEAD TREES ON SAID PROPERTY; PROVIDING THAT THE REASONABLE COST OF THE REMOVAL OF SUCH WEEDS, BRUSH, TRASH AND/OR DEAD TREES SHALL BE CHARGED TO THE OWNER OF THE LANDS FROM WHICH SAME WAS REMOVED AND THAT IN THE EVENT OF THE FAILURE OF THE LANDOWNER TO PAY SUCH REASONABLE COST, THEN THE COST SHALL BE AND CONSTITUTE A LIEN AGAINST THE LAND FROM WHICH THE WEEDS, BRUSH, TRASH AND/OR DEAD TREES WAS REMOVED; PROVIDING THAT THE CITY SECRETARY MAY EXECUTE APPROPRIATE AFFIDAVITS FIXING SUCH LIEN.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BERRYVILLE;

SECTION I.

This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas, and of the Town of Berryville, Texas, for the public safety, comfort, convenience and protection of the town and citizens of said town; and all of the provisions hereof shall be construed for the accomplishment of that purpose.

SECTION 2.

No person, firm or corporation owning any land within the town limits of the Town of Berryville shall permit land to grow up in weeds, brush or to permit trash to accumulate upon said land.

SECTION 2A.

No person, firm or corporation owning land within the town limits of Berryville shall allow dead trees on property when the trees are in danger of falling onto power lines and/or adjacent property.

SECTION 2B.

No person, firm or corporation owning land within the town limits of Berryville, TX, shall place household furnishings and/or appliances outside the home where may be viewed from a public street. Amended 5-11-2010

SECTION 3.

In the event that any land within the town limits of the Town of Berryville shall be permitted to grow up in weeds, brush, trash and/or dead trees to accumulate thereon; then the Town Council shall direct the City Secretary to give written notice to the owner of such land that such condition exists. After expiration of ten (10) days from the receipt

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of any such notice, which shall be mailed registered or certified mail, such landowner shall be deemed in violation of this ordinance and shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, for each and every day or fraction of a day in which this ordinance or any part hereof shall be violated shall be deemed a separate offense and punishable as such.

SECTION 4.

After notice to the land owner provided for herein, the Town Council may, within its discretion, cause any weeds, brush, debris and/or dead trees to be removed from any land where the same shall exist, and the reasonable cost of such removal shall be charged to the owner of such land. In the event any such landowner shall fail to pay such charge within thirty (30) days from the receipt of a statement for such charges, the same shall constitute a lien against the land and the City Secretary, may, by the execution of an affidavit setting forth the legal description of the land in question and the amount of the charges billed to the owner of said land, file such affidavit in the office of the County Clerk of Henderson County, Texas. In the event that the City Secretary is unsuccessful in causing the mail to be delivered to the owner of said land, then it shall not be necessary to deliver actual notice to the landowner before filing the lien as provided herein.

SECTION 5.

Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the Town Council of the Town of Berryville, and each said provision, paragraph, sentence and clause would have been separately passed without any other provision, and if any provision, paragraph, sentence or clause hereof should be ineffective, invalid, or unconstitutional for any cause, it shall not impair or affect the remaining portion nor any other part hereof, but the valid portion shall be enforced in the same manner as if it had been passed alone.

SECTION 6.

The fact that the town of Berryville now has no ordinance governing the matter regulated herein so as to protect the citizens of the Town of Berryville in their property and persons, as forestated, creates an emergency, which is here and now declared, and this ordinance shall take effect and be in force, from and after its passage and publication, as provided by law.

PASSED AND APPROVED THIS THE 4TH DAY OF APRIL, 1977.

JAMES BERRY
MAYOR

ATTEST:

PATRICIA L. HILLMAN
CITY SECRETARY