

CHAPTER 329

S.B. No. 1395

AN ACT

relating to statement of costs incurred by cities, towns, and villages for nuisance abatement.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article 4436, Revised Statutes, is amended to read as follows:

Art. 4436. HEALTH CONTROL IN CITIES, TOWNS, AND VILLAGES. The governing body of any incorporated city, town, or village, whether organized under the general laws, the home rule provisions of the Constitution, or by special legislative Act shall have the power to require the filling up, drainage, and regulating of any lot or lots, grounds or yards, or any other places in the city, town, or village which shall be unwholesome or have stagnant water therein, or from any other cause be in such condition as to be liable to produce disease; to cause all premises to be inspected and to impose fines on the owners of houses under which stagnant water may be found, or upon whose premises such stagnant water may be found, and to pass such ordinances as they may deem necessary for the purposes stated above, and for making, filling up, altering, or repairing of all sinks, and privies, and directing the mode and material for constructing them in the future, and for cleaning and disinfecting the same; and for cleansing of any house, building, establishment, lot, yard or ground from filth, carrion, or any other impure or unwholesome matter of any kind; to require the owner of any lot or lots within such city, town, or village to keep the same free from weeds, rubbish, brush, and any other objectionable, unsightly, or unsanitary matter of whatever nature, and if such owner fails or refuses to do so, within ten (10) days after notice in writing, or by letter addressed to such owner at his post office address, or by publication as many as two (2) times within ten (10) consecutive days, if personal service may not be had as aforesaid, or the owner's address be not known, such city, town, or village may do such work or may cause the same to be done and may pay therefor and charge the expenses incurred in doing or having such work done or improvements made, to the owner of such property as herein provided; and to punish any owner or occupant violating the provisions of any ordinance so passed, as aforesaid; and the governing body of such city, town, or village shall also, in addition to the foregoing remedy, have the power to cause any of the improvements above-mentioned to be done at the expense of the city, town, or village on account of the owners, and cause the expense thereof to be assessed on the real estate, or lot or lots upon which such expense is incurred. On filing with the county clerk of the county in which the city, town, or village is situated, a statement by the mayor, [ø] city health officer, or other city official designated by the mayor of such city, town, or village of such expenses, such city, town, or village shall have a privileged lien thereon, second only to tax liens and liens for street improvements to secure the expenditure so made and ten per cent (10%) interest on the amount from the date of such payment. For any such expenditures, and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the corporation; and the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 30, 1987, by the following vote: Yeas 31, Nays 0. Passed the House on May 22, 1987, by a non-record vote.

Approved June 11, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.