

PROPERTY ABATEMENT OF NUISANCES

TABLE OF CONTENTS

Article I.	Definitions
Article 11.	In General
Article 111.	Specific Nuisances
	High weeds, grass, or brush
	Dangerous weeds over 48" high
	Accumulation of litter, trash, or rubbish
	Littering by depositing or dumping
	Allowing stagnant water to accumulate
	Allowing unsanitary conditions
	Care of premises
Article IV.	Notice, Remedies, and Penalties
	Notice of Violation
	Notice to Property Owner
	Repeat of Same Violation
	City Authorized to Abate
	Same-Lien on Property
	Remedies, Expenses, and Citation
	Immediate Citation for Depositing or Dumping
Article V.	Junk Vehicles
	Definitions
	Declaration of Nuisance
	Exceptions
	Abatement Requirements
	Notice to Abate
	Hearing
	Voluntary Abatement
	Obstructions to Traffic
Article VI.	Fee Schedule

**Ordinance No. 2005.05
Village of Salado
County of Bell
State of Texas
March 17, 2005**

**AN ORDINANCE OF THE VILLAGE OF SALADO,
TEXAS ESTABLISHING AN ABATEMENT PROCESS
AND PROVIDING FOR THE FOLLOWING: NAME,
DEFINITIONS, PURPOSE, ENFORCEMENT,
SEVERABILITY, EFFECTIVE DATE, PUBLIC NOTICE
AND MEETING, REPEALER.**

WHEREAS, the Board of Aldermen of the Village of Salado recognize the need for a process in which to abate property within the Village limits; and

WHEREAS, the Board of Aldermen seeks to maintain the value of Salado's scenic and natural resources, which are a strong point to the Village's quality of life; and

WHEREAS, the Board of Aldermen finds that specific nuisances may be safety hazards that constitute a public health risk; and

WHEREAS, the Board of Aldermen finds that proper maintenance of property can create a pleasing environment for visitors and residents alike; and

WHEREAS, the Village of Salado has the legal authority to enact these regulations pursuant to the municipality's inherent police powers, Texas Transportation Code Chapter 683, Texas Local Government Code Chapters 51 and 217, and Texas Health & Safety Code Chapter 342.

NOW, THEREFORE, BE IT ORDAINED by the Village of Salado Board of Aldermen that:

ARTICLE I. - DEFINITIONS

1. General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases not defined in this Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2. Specific

As used in this article, the following words, terms, and phrases shall be defined as in Village Ordinance No. 2003.02, Village Ordinance No. 2004.09; International Property Maintenance Code. Approved receptacle, garbage, and refuse; and as defined as follows:

Abandoned - shall mean to cease the care or maintenance thereof, or to intentionally leave behind.

Abate or Abatement - shall mean to eliminate or cure by removal, repair, rehabilitation, or demolition.

Approved Receptacle - shall also mean a container that is composed of durable material and designed to prevent the discharge of its contents and to make its contents inaccessible to animals, vermin, or other pests.

Brush - shall mean any low woody vegetation, dense undergrowth, decaying scrub vegetation or the dead remains of such.

Building - shall mean a structure built for the support, shelter, or enclosure of a person, chattel, machine, equipment, or other movable property.

Building Official - shall mean the director of the building and development services department or his authorized representative including the Code Enforcement Official.

Director - shall mean the director of the department designated by the city to enforce and administer this article or the director's designated representative located on publicly or privately owned real property within the city.

Easement, for the purpose of this chapter, - shall mean a grant by a property owner to the public or other entity for the use of a defined strip of land, for such purpose as the installation, maintenance, and/or repair of utility lines, or other public services whose ownership and care of the land encompassed by such easement is maintained by the property owner. IPMC sec 202

State law reference—Authority of municipalities to define and abate nuisances, V.T.C.A., Local Government Code § 217.041 et seq.

Junk - shall mean used iron, metal, furniture, tires, appliances, and other similar items openly stored, discarded, or abandoned on property or premises.

Litter - shall mean any garbage, refuse, rubbish, or junk as defined herein, and all other waste material which creates a nuisance or potential danger to public health, safety, and welfare if not deposited in an approved receptacle.

Occupant - shall mean any person living or sleeping in a building or having possession of a space within a building.

Open Storage - shall mean the open storage or placement of an item on any premise or property, which is not entirely enclosed by a building and is visible from any public street or right-of-way.

Owner - shall mean any person, agent, firm, partnership, corporation, association, family, group, occupant, owner's agent, property manager, lessee, renter, or tenant. It also includes the singular and plural.

Person - shall mean any individual, firm, partnership, corporation, association, family, group, occupant, owner's agent, property manager, lessee, renter, or tenant. It also includes the singular and plural.

Personal or Movable Property - shall include every species of property, except real property as defined in this section.

Premises - shall mean a lot, plot, or parcel of land including the buildings or structures thereon. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structures appurtenant to the property.

Property - shall mean any premise, personal or real property.

Public Nuisance - shall mean the allowance of, or the maintaining of, an unlawful condition, act, or use of any property or premise affecting the public's life, health, safety, or general welfare within the city limits; anything injurious to health so as to interfere with the comfortable enjoyment of life or property.

Public Place, Property, or Right-of-Way - shall mean any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, alleys, parkways, sidewalks, highways and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Real or Immovable Property - shall include land and whatever is erected or growing upon or affixed to land.

Real Property - shall mean any lot or parcel of land, including, but not limited to, an alley, sidewalk or unimproved public easement abutting said lot or parcel of land.

Refuse - shall mean all solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

Structure - shall mean that which is built or constructed.

Undeveloped Property - shall mean any lot or parcel of land without a structure or building or without the installation of site improvements.

Weeds - shall mean any herbage or vegetation, but excludes cultivated shrubs, bushes, trees, flowers, and crops. (Village Ordinance No. 2003.02)

State law reference(s)--Authority of city to prohibit conditions, V.A.C.S. art. 4436.

ARTICLE II. - IN GENERAL

Declaration of Public Nuisance.

A person shall not cause, permit, or allow a public nuisance under this chapter on any lot or parcel of land, premise, or any public place within the city limits.

ARTICLE III. - SPECIFIC NUISANCES

1. High Weeds, Grass, or Brush.

A. It shall be unlawful for any owner, occupant, or person in control of any lot, parcel of land, or premise within the city limits to allow the accumulation of high weeds, grass, or brush to exist in excess of the standards provided herein. Such violation is considered a health and fire hazard and, as such, is hereby declared a public nuisance.

B. Height limitations.

1. Property two (2) acres or less. Any accumulation of weeds, grass, or brush on any developed lot, parcel of land, or premise that does not qualify as described in 2(a) below shall not exceed a height of more than eighteen (18) inches.
2. Undeveloped property over two (2) acres. Any accumulation of weeds, grass, or brush on any undeveloped property of more than two (2) acres shall not exceed a height of more than eighteen (18) inches within fifty (50) feet adjacent to and along any dedicated public street or right-of-way or adjacent to any lot that is occupied by a residence or business.
 - a. Exception to 2: Property that has a significant vegetation other than weeds or grass, unusually steep slopes, or other terrain features which inhibit mowing or development, and which will not create problems if left in their natural state, may be left in their natural state.

C. Property adjoining public rights-of-way. The owner, occupant, lessee or person in control of such adjoining private property must maintain any private property adjoining a public right-of-way property within the city. Any growth of weeds and grass shall not exceed eighteen (18) inches in height, and all brush must be cleared from such right-of-way.
(Village Ordinance No. 2003.02)

2. Dangerous Weeds over 48 Inches High.

A. The city may abate, without notice, weeds that have grown higher than 48 inches and are an immediate danger to the life, health, or safety of any person. After such abatement, notice shall be given as follows:

1. Not later than the 10th day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by section 6, Village Ordinance No. 2003.02
 - a. The notice shall contain:
 - (i) an identification, which is not required to be a legal description, of the property;
 - (ii) a description of the violation(s) of the ordinance that occurred on the property;
 - (iii) a statement that the city abated the weeds; and

- (iv) an explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.
- b. The city shall conduct an administrative hearing before the building official on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the building official's office a written request for a hearing.
- c. An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.

B. The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 6, Village Ordinance No. 2003.02 and additional authority to abate dangerous weeds, V.C.T.A. Health & Safety Code, § 342.008.

3. Accumulation of Litter, Trash, or Rubbish.

It shall be unlawful for any owner, lessee, occupant, or person in control of any lot, parcel of land, or premise within the city limits to allow the accumulation of any litter, trash, or rubbish. All litter shall be kept in an approved receptacle designed to contain litter in a manner so as not to allow it to be blown, carried, or deposited by the wind upon any private or public property or any right-of-way. Such violation is considered a health and fire hazard and, as such, is hereby declared to be a public nuisance. Village Ordinance No. 2004.09 and State law reference—Municipal power concerning filth, carrion, and other unwholesome matter, V.C.T.A. Health & Safety Code, § 342.003.

4. Littering by Depositing or Dumping.

No person shall throw, deposit, drop, sweep, or place any litter or junk into or on any private or public property, right-of-way, street, sidewalk, or other place. All litter shall be disposed of in an approved receptacle designed to contain litter. V.C.T.A. Health & Safety Code, § 365.012

5. Allowing Stagnant Water to Accumulate.

It shall be unlawful for any owner, lessee, occupant, or person in control of any lot, parcel of land, or premise within the city limits to allow holes, containers, or other various receptacles that contain stagnant water that may produce disease to exist on such lot, parcel of land, or premises. The building official may require an inspection of the premises and may require the filling, draining, and regulating of the unsanitary condition. Village Ordinance No. 2003.02 and State law reference—Municipal power concerning stagnant water and other unsanitary conditions, V.C.T.A. Health & Safety Code, § 342.001.

6. Allowing Unsanitary Conditions.

It shall be unlawful for any owner, lessee, occupant, or person in control of any lot, parcel of land, or premise within the city limits to allow any unwholesome unsanitary condition that may produce disease to exist on such lot, parcel of land, or premise. The building official may require an inspection of the premises and may require the filling, draining, and regulating of the unsanitary condition. Village Ordinance No. 2004.09 and State law reference—Municipal power concerning stagnant water and other unsanitary conditions, V.C.T.A. Health & Safety Code, § 342.001.

7. Care of Premises.

- A. It shall be unlawful for any owner, lessee, occupant, or person in control of any lot, parcel of land, or premise within the city limits to utilize such property for the open storage of any of the following:
1. Abandoned vehicles. Abandoned vehicles such as motor or non-motorized vehicles, boats, trailers, and similar items and parts thereof.
 2. Abandoned appliances. Abandoned domestic or non-domestic appliances and parts thereof.
 3. Supplies and materials. The open storage of building materials, building rubbish, tires, or any accumulation of any other product or supplies.
(a) Note: It is not the intent of this section to prohibit the storage of building materials associated with a city-permitted construction project.
 4. Vegetation. The open storage of dead trees, limbs, brush, or weeds.
- B. It shall be the duty and responsibility of every such owner, lessee, occupant, or person in control of any lot, parcel of land, or premise to keep such property clean and to prevent a public nuisance.
- C. Exception: Any of the above-listed items that are screened from public view by screening devices and which will not cause health or sanitary nuisances.
Village Ordinance No. 2004.02 and Village Ordinance No. 2003.09.

ARTICLE IV. - NOTICE, REMEDIES, AND PENALTIES

1. Notice of Violation.

Any owner, lessee, occupant, or person in control of any lot, parcel of land, or premise within the city limits having on it any of the nuisances described in articles I through III shall be required to remove, abate, or cure such nuisance within seven (7) days from the date of the written notice from the building official or his authorized representative. Village Ordinance No. 2003.02 and Village Ordinance No. 2004.09

2. Notice to Property Owner.

- A. In addition to section above, the city may remove, abate, or cure such nuisance after seven (7) days from the date of the notice of violation given to the property owner and charge all expenses incurred by the city, including administrative fees, to such owner as prescribed. Such notice shall be given to the property owner as follows:
1. personally to the owner in writing; or
 2. by letter (regular mail) addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 3. if personal service cannot be obtained:
 - a. by publication at least once; or
 - 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, if the property contains no buildings.

- B. If the city mails a notice to a property owner in accordance with subsection 2 above, 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. Village Ordinance No. 2003.02, Village Ordinance No. 2004.09 and State law reference—Work or improvements by municipality; notice, V.C.T.A. Health & Safety Code, § 342.006.

3. Repeat of Same Violation.

The city may inform the owner by regular mail and a posting on the property 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 (12 months) of the date of 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 city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by Village Ordinance No. 2003.02, Village Ordinance No.2004.09 and State law reference—Work or improvements by municipality; notice, V.C.T.A. Health & Safety Code, § 342.006.

City Authorized to Abate.

If the owner of any lot, parcel of land, premise, or any other property fails to comply with the notice given by Village Ordinance No. 2003.02, Village Ordinance No. 2004.09 and/or V.C.T.A. Health & Safety Code, § 342.006. within seven (7) days of the date of such notice, the city may enter the property and remove, abate, or cure such nuisance.

4. Same–Lien on Property.

If the city abates a nuisance under articles I through III, the owner of such property shall be notified by regular mail of the expenses thereof. If such charges are not paid within thirty (30) days of the date of such notice, the building official or his designated representative shall cause to be filed with the county clerk documentation of such expenses sufficient to establish a lien against the property on which the nuisance was abated. Village Ordinance No. 2003.02, Village Ordinance No. 2004.09 and/or V.C.T.A. Health & Safety Code, § 342.007

5. Remedies, Expenses, and Citation.

Any person who violates this article shall be subject either to abatement restitution or penal fine(s) or both, or any other relief provided by law.

A. Abatement restitution: Any property owner notified by the provisions of the above of a violation of this article and who fails to abate such nuisance within the time specified shall be required to pay to the city all expenses incurred to abate the nuisance, plus an administrative fee of one hundred dollars (\$100.00).

B. Penal fine: The city may issue a citation or summons to any owner, lessee, occupant, or person in charge of property within the city limits who violates an ordinance in articles I through III. An individual receiving a citation or summons who is convicted of violating any provision of this article shall be guilty of a Class C misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand dollars (\$2,000.00). Each day the violation continues shall be considered a separate offense. Such remedy under this section is in addition to the abatement restitution. Village Ordinance No. 2003.02, Village Ordinance No. 2004.09 and/or V.C.T.A. Health & Safety Code, § 342.007.

6. Immediate Citation for Depositing or Dumping.

The building official, his designated representative, code enforcement officer, or police officer shall immediately issue a citation or summons to any person observed littering, as defined in State law reference—Violation of ordinance, V.C.T.A. Health & Safety Code, § 342.005.

ARTICLE V. JUNK VEHICLES

1. Definitions- General.

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases not defined in this Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2. Definitions- Specific.

Antique Vehicle - shall mean a passenger car or truck that is at least thirty-five (35) years old.

Demolisher - shall mean a person whose business is to convert a motor vehicle into processed scrap or scrap metal or to otherwise wreck or dismantle a motor vehicle.

Junked Vehicle, as Defined in Texas Transportation Code §683.071, - shall mean a vehicle that is self-propelled and:

A. does not have lawfully attached to it:

1. an unexpired license plate; or
2. a valid motor vehicle inspection certificate; or

B. is wrecked, dismantled, or partially dismantled, or discarded; or

C. is inoperable and has remained inoperable for more than:

1. 72 consecutive hours, if the vehicle is on public property; or (Cross reference—Traffic, Ch. 28.
State law reference—Abandoned, junked, etc., vehicles, VC.T.A. Transportation Code, Subchapter E, § 683.071 et seq.
2. 30 consecutive days, if the vehicle is on private property.

Motor Vehicle Collector - shall mean a person who owns one or more antique or special interest vehicles and acquires, collects, or disposes of an antique or special interest vehicle or part of them for personal use to restore and preserve an antique or special interest vehicle for historic interest. Special interest vehicle shall mean hobbyists are preserving a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest.

State law reference(s)—Definitions, V.C.T.A. Transportation Code, Subchapter E, § 683.071.

3. Declaration of Nuisance.

A junked vehicle, including a part of a junk vehicle, which is visible from a public place or public right-of-way:

- A. is detrimental to the safety and welfare of the public;
- B. tends to reduce the value of private property;
- C. invites vandalism;
- D. creates a fire hazard;
- E. is an attractive nuisance creating a hazard to the health and safety of minors;
- F. produces urban blight adverse to the maintenance and continuing development of the city;
and
- G. is a public nuisance.

State law reference(s)—Junked vehicle declared to be a public nuisance, V.C.T.A. Transportation Code, Subchapter E, § 683.072.

4. Sec. 18-53. Exception.

The following vehicles and vehicle parts are exempt from the provisions of this article:

- A. A vehicle that is completely enclosed within a building in a lawful manner and is not visible from the street or other public or private property; or
- B. A vehicle that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle and the outdoor storage area are:
 1. Maintained in an orderly manner;
 2. That do not constitute a health hazard; and
 3. are screened from ordinary public view by appropriate means, including a fence, rapidly growing trees or shrubbery. State law reference—Inapplicability of subchapter, V.C.T.A. Transportation Code, Subchapter E, § 683.077.

5. Abatement Requirements.

- A. The city shall abate and remove from private or public property or public right-of-way any junked vehicle or part of a junked vehicle which is a public nuisance.
- B. Procedures to abate:
 1. A public hearing as set forth in section (Village Ordinance No. 2004.09) and/or V.C.T.A. Health & Safety Code, § 342.006. Shall be required before removal of the public nuisance.
 2. A junked vehicle shall not be allowed to be reconstructed or made operable after removal by the city.
 3. Notice shall be sent to the Texas Department of Transportation no later than the fifth day of removal.
- C. The municipal court may issue necessary orders to enforce the order from the building official to remove the public nuisance.

- D. Procedures for abatement and removal of the public nuisance shall be administered by the building official or his designated representative and may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.
- E. Any person authorized by the city may enter private property to remove the nuisance. (Village Ordinance No. 2004.09) and/or V.C.T.A. Transportation Code, Subchapter E, § 683.074. Shall be required before removal of the public nuisance.

The relocation of a junked vehicle that is a public nuisance to another location within the city limits after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location. (Village Ordinance No. 2004.09) and State law reference—Authority to abate nuisance, procedures, V.C.T.A. Transportation Code, Subchapter E, § 683.074.

6. Notice to Abate.

- A. The procedures for the abatement and removal of a public nuisance under this article shall provide not less than ten (10) days notice of the nature of the violation and must be sent by certified mail with a five-day return requested to:
 - 1. The last known registered owner of the nuisance;
 - 2. Each lien holder of record of the nuisance; and
 - 3. The owner or occupant of:
 - a. the property on which the nuisance is located; or
 - b. if the nuisance is located in a public right-of-way, the property adjacent to the right-of-way.
- B. The notice must state:
 - 1. The nuisance must be abated and removed not later than the tenth (10th) day after the date on which the notice was mailed; and
 - 2. Any request for a hearing must be made before the ten (10) day period expires.
- C. If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, hand delivered.
- D. If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the eleventh (11th) day after the date of the return.
Village Ordinance No. 2004.09 and State law reference—Notice, V.C.T.A. Transportation Code, Subchapter E, § 683.075.

7. Hearing.

- A. If a person for whom notice was sent requests an administrative hearing, or if a hearing is required by the city for abatement, such hearing shall be held before the building official as follows:
 - 1. If a hearing is requested by a person for whom notice is required under this section A.3. above, the hearing shall be held not earlier than the eleventh (11th) day after the date of the service of notice.
 - 2. If the notice is delivered but the person for whom notice is required does not request a hearing, the city may conduct an abatement hearing not earlier than the eleventh (11th) day after the date of the notice.

3. If the notice is returned undelivered, then the hearing date shall be set not earlier than the eleventh (11th) day after the date of the return of the undelivered letter.

B. At the hearing the junked motor vehicle is presumed to be inoperable, unless demonstrated otherwise by the owner.

C. Any order requiring the removal of a vehicle or vehicle part must include the vehicle's description, identification number, and license number of the vehicle if the information is available at the location of the nuisance.

Village Ordinance No. 2004.09 and State law reference Hearing, V.C.T.A. Transportation Code, Subchapter E, § 683.076.

8. Voluntary Abatement.

If, within ten (10) days after receipt of notice to abate the nuisance as provided in this article, the owner of the vehicle shall give his written permission to the building official or his authorized representative for the removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article.

9. Sec. 18-59. Disposal of junked vehicles; remedies.

A. a junked vehicle or vehicle part shall be disposed of by removal to a scrap yard, motor vehicle demolisher, or any suitable site.

B. Any individual who fails to timely abate a nuisance may be required to pay the city restitution for the city's cost in removing, abating, or curing such nuisance, plus an administrative fee of one hundred dollars (\$100.00).

C. Any vehicle or vehicle part, after removal by this article, shall not be reconstructed or made operable. State law reference—Junked vehicle disposal, V.C.T.A. Transportation Code, Subchapter E, § 683.078.

10. Obstructions to Traffic.

Nothing in this article shall affect a law or ordinance authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property. Criminal penalties.

A person who commits an offense under section is, on conviction, subject to a fine as prescribed on conviction, the court shall order removal and abatement of the nuisance.

ARTICLE VI - FEE SCHEDULE

1. Abatement of tall grass, weeds, trash, debris.

1. \$50.00 per ½-acre parcel vacant or with structure
2. \$25.00 per each additional ¼ acre
3. Cost of trash and debris removal will be based on bids by registered contractors unless a sole source contractor is required.

2. Abatement of stagnant water and junked vehicles.

1. removal of junked vehicles from private property will be based on bids by registered contractors unless a sole source contractor is required.
2. abatement of stagnant water from private property will be based on bids by registered contractors unless a sole source contractor is required.

All abatement processes shall have an administrative fee of \$100.00 in addition to the costs incurred by the Village of Salado.

ARTICLE VI I. CIVIL AND CRIMINAL PENALTIES

1. General

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

2. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Violations of the Junked Vehicle provisions of this Ordinance shall be punishable by fines of \$200.00 per violation. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

3. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance, and to seek remedies as allowed by law, including, but not limited to the following:

1. injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
2. a civil penalty up to \$1,000.00 a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually

notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and

3. other available relief.

ARTICLE VII I. CONFLICTING PROVISIONS

If any provision in this Ordinance conflicts with any provision in other Village ordinances, resolutions or orders, then the stricter provision shall apply. This Ordinance shall be read together with and in addition to any other applicable Village regulations, to the extent reasonably practicable.

ARTICLE IX. SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen that the words, phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect any remaining word, phrase, clause, sentence, paragraph or section of this ordinance which can be given effect as written, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE X. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication.

ARTICLE XI. PROPER NOTICE & OPEN MEETING

It is hereby officially found and determined that the meeting at which the Ordinance was passed was open to the public, as required, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 17 day of March 2005 by the Board of Aldermen of the Village of Salado, Texas, by a vote of 4 Aye(s), 1 No(s), and 0 Abstentions.

VILLAGE OF SALADO, TEXAS



Rick Ashe, Mayor

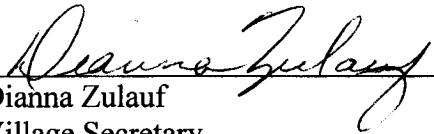


CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2005.05, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 17 day of March, 2005, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 17 day of March, 2005.



Dianna Zulauf
Village Secretary