

BERRYVILLE ORDINANCE

2-4-85

An ordinance providing that no person within the City Limits of the City of Berryville shall reside for 2 weeks or more on any premises which does not have potable running water and sanitary system or by maintaining a septic tank for waste disposal; providing that any person in violation of such provisions shall be given a written notice by the City Secretary of the City of Berryville, which notice shall notify such person must come into compliance with this ordinance within ten (10) days, then such person shall be guilty of a misdemeanor, and that upon conviction, shall be fined in any sum of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each and every day of the fraction thereof during which this ordinance constitutes a separate offense.

BE IT ORDINANCED BY THE CITY COUNCIL OF THE CITY OF BERRYVILLE, TEXAS:

Section 1.

No person shall reside in the City of Berryville upon any premises which do not have potable running water from either a well or by reason of connection to the municipal water system, and which premises shall not have operable sanitary facilities for waste disposal as hereinafter defined.

Section 2.

Any person thought to be in violation of this ordinance shall be notified in writing by the City Secretary which notice shall advise such person to come into compliance with this ordinance within ten (10) days from date of notice. Said notice shall be sent by certified mail. From and after the expiration of ten (10) days from date of said notice, any such person continuing in violation of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars and each and every day or fraction of a day during which the ordinance or any part thereof shall be violated shall be deemed a separate offense and punishable by such.

Section 3.

Sanitary facilities as used in this ordinance shall mean one or more flush toilets upon such premises connected to a property functioning septic system.

Section 4.

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

Section 5.

The City of Berryville may enforce this ordinance by a suit for injunction, and any place where this ordinance is violated is declared to be a public nuisance which may be enjoined by a suit for injunction in the District Court having jurisdiction.

Section 6.

Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of Berryville, and each said provision, paragraph, sentence and clause would have been separately passed without other 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 thereof, but the valid portion shall be enforced in the same manner as if it had been passed all along.

Section 7.

The fact that the City of Berryville now has no ordinance governing the matter regulated herein so as to protect the citizens of the City of Berryville in their property and persons, as aforesaid, 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 FEBRUARY 1985.

Glenda Kindle
Mayor
Berryville, Texas

ATTEST:
Gwen Fowler
City Secretary
Berryville, Texas

This ordinance was amended and approved in Sections 1-4 on May 13, 2025.

Dennis Selby

Dennis Selby
Mayor
Berryville, Texas

ATTEST:

Brenda Lankford

Brenda Lankford
City Secretary
Berryville, Texas