

**BERRYVILLE CITY ORDINANCE  
4-24-78**

AN ORDINANCE DECLARING WHEN ANY BUILDING OR STRUCTURE SHALL BECOME UNSAFE, UNSANITARY, FIRE HAZARD OR BREEDING PLACE FOR RODENTS, OR SHALL IN ANY MANNER BECOME A HAZARD TO HEALTH THEN SUCH CONDITION SHALL BE ABATED; PROVIDING FOR PROCEDURE FOR NOTICE TO THE OWNER OF SUCH BUILDING OR STRUCTURE; PROVIDING THAT FAILURE TO CORRECT SUCH CONDITION SHALL BE A MISDEMEANOR PUNISHABLE BY FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) DOLLARS NOR MORE THAN TWO HUNDRED (\$200.00) DOLLARS; PROVIDING THAT EACH AND EVERY OFFENSE; PROVIDING THAT ANY OTHER EXISTING IN THE CITY, WHETHER BUILDING, STRUCTURE OR OTHERWISE, SHALL LIKEWISE BE A VIOLATION OF THE LAW WHEN THE SAME BECOMES A HAZARD OR FIRE HAZARD; THAT THE FAILURE TO CORRECT SUCH CONDITION UPON PROPER NOTICE SHALL CONSTITUTE A MISDEMEANOR PUNISHABLE BY THE SAME PENALTIES PROVIDED ABOVE; AND DECLARING AN EMERGENCY.

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

I.

Whenever any building or structure of any nature shall become unsafe, unsanitary, shall become a fire hazard, breeding place for rodents, or shall in any manner become a hazard to the health of humans then such condition shall be abated as hereinafter provided.

II.

Whenever any building or structure shall be in any of the conditions specified in Paragraph I, then the Town Council shall direct the Town Secretary to send a notice of such condition to the owner of the property upon which such building or structure is located directing such owner to correct the condition. If any person, firm or corporation owning such property shall fail to correct such condition within thirty (30) days of receipt of such notice then such person, firm or corporation shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five (\$25.00) dollars nor more than two-hundred (\$200.00) dollars. Each and every day that such condition shall exist after the time specified shall constitute a separate offense and shall be punishable as such.

- (1) The Town Secretary shall send notice to the person, firm or corporation in whose name the property last appears on the county tax rolls advising that such building or structure will be removed at the owner's expense, after expiration of thirty (30) days from the date of mailing such notice.
- (2) A notice shall be published in a newspaper of general circulation in the Town, stating the legal description of the real property, the condition complained of and the action contemplated by the Town Council. Such notice shall be addressed to the last known owner of the property and all "successors in interest" to said property. Said notice shall be published one time and shall also state the contemplated action will be carried out after the expiration of thirty (30) days from the date of publication of said notice and shall advise the owners of the property of the date on which the Town Council shall consider the matter before causing to be removed the objectionable building or structure. Any interested persons may appear at the Town Council meeting when such matter is considered to offer opposition to the proposed action. Upon considering the matter, the Town Council shall

determine by resolution the objectionable condition exists, that all provisions of this ordinance have been met, and the objectionable building or structure shall be forthwith removed.

III.

The reasonable cost of removing the objectionable building or structure shall be charged to the owner of the property upon which same is situated and such cost shall be and constitute a lien against said property. The Town Secretary shall file an affidavit in the office of the County Clerk giving notice of such lien.

IV.

All Notices required to be sent by this ordinance shall be by Certified mail.

V.

Any condition existing in the Town which shall constitute a fire hazard or health hazard, whether the same shall be a building or structure or other condition, shall be a violation of the law by the owner of the property upon which such condition exists the same manner as prescribed in Paragraphs I and II, and shall be abated as provided in this ordinance. All provisions of this ordinance shall apply to such conditions specified in this paragraph.

VI.

The fact that the Town of Berryville now has no ordinances governing the matter regulated herein in so as to protect citizens of the Town 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 24<sup>TH</sup> DAY OF APRIL 1978.

James E. Berry  
Mayor  
Berryville, Texas

ATTEST:

Patricia Hillman  
City Secretary  
Berryville, Texas

AMENDED 5-13-2014