

ORDINANCE NO. 61

AN ORDINANCE OF THE CITY OF ANNETTA SOUTH, TEXAS, DEFINING AND PROHIBITING NUISANCES; PROVIDING PROCEDURES FOR THE ABATEMENT OF NUISANCES AND THE RECOVERY OF COSTS THEREOF; DECLARING JUNKED VEHICLES A NUISANCE; PROVIDING PROCEDURES FOR THE ABATEMENT OF JUNKED VEHICLES; PROVIDING FOR CERTAIN EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined it necessary for the protection of the health, safety and general welfare and protection of property values of its citizen to define and prohibit and provide for the abatement of certain nuisance conditions; and

WHEREAS, pursuant to Texas Health and Safety Code §342.004, the City Council wishes to amend the Ordinances of the City of Annetta South, to require owners of lots within the City to keep the lots free of weeds, brush, and high grass; and

WHEREAS, pursuant to the authority of Ordinance 683 of the Texas Transportation Code, the City of Annetta South desires to enact regulations governing junked vehicles within the city limits; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA SOUTH, TEXAS:

SECTION 1: NUISANCES.

DEFINITIONS.

As used in this ordinance

ADMINISTRATIVE FEE means the City's minimum administrative fee of \$100.00 that shall be assessed when the City abates or causes to be abated a nuisance. This fee shall not include the actual costs incurred in abating or causing to be abated a nuisance, but the administrative cost to the City of processing the abatement. Without amending this Ordinance, the City may impose an administrative fee of more than \$100.00 if the City's cost of implementing the provisions of this Ordinance is greater than \$100.00.

CONTAINER means a receptacle used for the disposal of waste.

2 **COSTS** means the actual cost the City incurs in abating or causing to be
abated a nuisance, including without limitation, the cost of mowing, weeding,
4 removing objectionable rubbish, junk, unsightly, or unsanitary matter, etc.

6 **CULTIVATED** means vegetation that is deliberately grown and currently
and continuously maintained by the owner, occupant, or agent of the property.

8 **DEVELOPED PREMISES** means:

10 (A) a tract of land upon which a structure is situated unless the tract is
12 two acres or greater; or

14 (B) a platted tract of land in a subdivision within the City.

16 **EXPENSES** means the total of the Administrative Fee and Costs incurred
by the City in abating or causing to be abated a nuisance.

18 **GARBAGE** means and includes every accumulation of both animal and
20 vegetable matter, liquid or otherwise, that is received from kitchens and also all
decayable waste.

22 **HEARING OFFICER** means the Mayor of the City or the Mayor's
24 designated representative.

26 **JUNK** means all worn out or discarded material, including but not limited
to old iron or other metal, glass and cordage, machinery of any kind, tractors,
28 refrigerators, stoves, any other household appliances, furniture, or old boats.

30 **LITTER** means discarded paper, wrapping material, glass or aluminum
containers, or other decayable or non-decayable waste.

32 **MAINTAINED** means watered, pruned, trimmed, treated, and controlled in
34 such a manner as to enhance the use or enjoyment of one's property, without
interfering with the enjoyment or use of neighboring property or public access.

36 **MAYOR** means the Mayor or his designated representative.

38 **NUISANCE** means anything which is injurious to the health or morals, or
40 indecent or offensive to the senses, or an obstruction to the free use of property
so as to interfere with the comfortable enjoyment of life or property.

42 **OCCUPANT** means any person, firm or corporation, both public and
44 private, claiming or having possessory control of any property.

46 **OWNER** means any person, firm or corporation, both public and private,
claiming title of any property.

48 **PERSON** shall include a firm, association, organization, partnership, trust,
50 company, or corporation, as well as an individual.

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PREMISES means the lot, plot, or parcel of land, plus the front or side
parkway between the property line or sidewalk and the curb or traveled way, and
the rear of side parkway between the property line and the center line of an
adjacent alley. If there is no curb, premises includes the area between the
property line and approved surface or center of the right-of-way. It also includes
the area between a fence or screening device and the improved surface of the
right-of-way.

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REFUSE means an accumulation of worn out, used, broken, or rejected
materials and includes garbage, litter, rubbish, yard waste and other decayable
or nondecayable waste. It includes, but is not limited to, old barrels, old tires,
tree and brush trimmings and unused household items and appliances.

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RUBBISH means all loose and decayed material and dirt-like substances
that attends use or decay, or which accumulates from buildings, storing or
cleaning, trash, debris, rubble, stone or fragments of building materials.

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UNDEVELOPED means a tract of land that:

22 (i) is not platted with no structure situated thereon; or

24 (ii) upon which a structure is situated and that is platted and is
greater than two acres in size.

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VEGETATION means any grass, weeds, shrubs, brush, bushes, or vines.

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WEEDS means vegetation that because of its height is objectionable,
unsightly or unsanitary, but excluding cultivated crops, shrubs, bushes, trees,
flowers, and vines.

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YARD WASTE means grass and brush trimmings, trees or tree limbs,
hedge or shrub cuttings, leaves, weeds, vines or other decayable waste which is
generated by maintaining a yard.

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SECTION 2: NUISANCE GENERALLY.

40 (A) Whatever is dangerous to human life or health, whatever renders
the ground, the water, the air or food a hazard or injury to human life or health or
that is offensive to the senses, or that is or threatens to become detrimental to
the public health, is declared to be a nuisance, and the specific acts, conditions
and things set forth in this Ordinance are, among others, each and all of them
declared to be nuisances and prohibited and made unlawful.

46 (B) The enumeration of specific nuisances provided in this Ordinance
shall not be deemed or interpreted to limit the scope of this definition to those
items specifically enumerated, but shall be taken as specific examples only.

2 **SECTION 3: REFUSE PROHIBITED.**

4 (A) An owner or occupant of any premises commits an offense if the
6 owner permits or allows any stagnant or unwholesome water, filth, carrion,
8 rubbish, refuse, junk or garbage, or impure or unwholesome matter of any kind,
10 or objectionable, unsightly matter of whatever nature to accumulate or remain on
12 such real property or within any easement area on such real property or upon
 any adjacent right-of-way for streets and alleys between the property line of such
 real property and where the paved surface of the street or alley begins. Such a
 condition constitutes a nuisance.

14 (B) A person commits an offense if a person burns, dumps, or places a
16 dead animal on any street, lot, alley, sidewalk, creek, ditch or gutter, or on any
 property in such a way that the same is or becomes an unsanitary condition or a
 danger to public health.

18 **SECTION 4: WASTE, REFUSE AND GARBAGE NUISANCE.**

20 The accumulation upon a premises of junk, refuse, rubbish, or garbage
22 that creates an unsanitary condition likely to attract or harbor mosquitoes,
 rodents, vermin or disease-carrying pests constitutes a nuisance.

24 **SECTION 5: ORDER TO ABATE NUISANCE.**

26 A person owning or possessing any property in or on which there exists a
28 nuisance as described in this Ordinance shall, as soon as its existence comes to
30 his knowledge, proceed at once to abate the nuisance. In the event that any
 person fails to comply with the provisions of this Ordinance, the Building Official
 may at his or her discretion:

32 (A) issue written notice as provided by Section 7 to the person
34 responsible for the nuisance, specifying the nature of the nuisance and ordering
36 its abatement within seven days of notice or within such time as may be specified
 in the order;

38 (B) issue one or more citations for violations of this Ordinance without
 prior notice;

40 (C) commence abatement action and proceed with abatement of the
42 nuisance; and/or

44 (D) request the City Attorney to institute suit for civil remedies as
 provided by this Ordinance and state law.

46 **SECTION 6: CONTENT OF NOTICE.**

48 The notice and order shall contain:

50 (A) The name and address of the record owner;

2 (B) An identification, which is not required to be a legal description, of
4 the property upon which the violation is located;

6 (C) A statement describing the violation and the work necessary to
8 correct the violation;

10 (D) A statement advising the owner that if the work is not completed
12 within seven days, the City will complete the work and charge the expenses to
14 the owner; and

(E) A statement that if the City performs the work and the owner fails to
pay the expenses, a priority lien may be placed on the property.

16 **SECTION 7: SERVICE OF NOTICE.**

18 (A) The notice and order shall be in writing and may be served upon
20 the person in noncompliance in any one of the following ways:

22 (1) personal delivery;

24 (2) addressed to such person at the owner's address as
26 recorded in the Parker County Appraisal District and deposited in
the United States mail, certified mail, return receipt requested; or

28 (3) if personal service cannot be obtained or the owner's post
office address is unknown:

30 (a) publication in a newspaper of general circulation
32 within the City at least once;

34 (b) by posting the notice on or near the front door of each
building on the property to which the violation relates;

36 (c) by posting the notice on a placard attached to a stake
38 driven into the ground on the property to which the violation
relates, if the property contains no buildings.

40 (B) The City may inform the owner in the notice if the owner commits
42 another violation of the same kind or nature that poses a danger to the public
44 health and safety on or before the first anniversary of the date of the notice, the
46 City, without further notice, may correct the violation at the owner's expense and
48 assess the expense adjacent to the property. If a violation 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 corrective action to
assess the expenses against the owner and the property.

2 **SECTION 8: NONCOMPLIANCE.**

4 (A) If the owner or person responsible for the nuisance does not
6 comply with the directive contained within the order, the Building Official may
8 request the city attorney to immediately institute proceedings for the abatement
10 thereof, or issue a citation for violation of any provision of this Ordinance.

12 (B) In the alternative, if the owner or occupant does not comply with the
14 order, the Building Official may:

- 16 (1) order the work done or make the improvements required;
18 and
- 20 (2) pay for the work done or improvements made and charge
22 the expenses to the owner of the property.

24 **SECTION 9: RIGHT TO EXTENSION.**

26 Whenever the Building Official has given an order to abate or remove any
28 nuisance that may exist upon any lot or premises under the provisions of Section
30 5 of this Ordinance, the owner thereof shall have the right, within the period of
32 time given in the order for abatement to appear before the Building Official to
34 show cause why such order should not or cannot be complied with. The Building
36 Official may, at his discretion, give such reasonable extension of time for the
38 abatement or removal of such nuisance as may be necessary; provided, there is
40 no immediate danger to the public health.

42 **SECTION 10: AUTHORITY IN CASE OF PUBLIC EPIDEMIC OR IMMEDIATE
44 DANGER.**

46 In case of any public epidemic or immediate danger, the Building Official
48 shall have authority and is directed to employ any sanitary measure deemed
50 necessary for the control of such epidemic and to prevent its spread or to take
any other action authorized by law to abate the nuisance.

SECTION 11: ASSESSMENT OF EXPENSES; LIEN; APPEAL.

 (A) In assessing the expenses incurred pursuant to Section 8 against
the property on which the work is done or improvements made, the City shall
send the owner of the property upon which the work was done a notice which
shall include:

- (1) identification of the property;
- (2) a description of the violation;
- (3) a statement that the City abated the condition;
- (4) a statement of the City's expenses in abating the condition;

2 (5) an explanation of the property owner's right to request a
4 hearing within 10 days of the date of the letter; and

6 (6) a statement that if the owner fails or refuses to pay the
8 expenses within 30 days of the date of the notice, the mayor or his
10 designee shall place a lien against the property by filing with the
county clerk of the county in which the property is located a notice
of lien and statement of expenses incurred.

12 (B) The notice shall be sent in the same manner as provided in Section
14 7(A).

16 (C) The Building Official will conduct a hearing if the property owner
submits a written request within 10 days of the date of the notice. At the hearing:

18 (1) The owner and the City may testify or present witnesses or
20 written information related to the City's abatement of the nuisance.

22 (2) The City has the burden to show that a violation of this
Ordinance existed, notice was given in substantial compliance with
24 this Ordinance, and expenses were incurred to abate the violation.

26 (3) At the close of the hearing, the Building Official may find,
based upon a preponderance of the evidence, that the expenses
28 are valid, or that they are erroneous or may adjust them.

30 (D) If no hearing is requested, or a hearing is held and the expenses
are determined to be valid or are otherwise appropriately adjusted, and the
owner fails or refuses to pay the expenses within 30 days after written notification
32 to pay, the mayor or his designated representative shall place a lien against the
property by filing with the county clerk of the county in which the property is
34 located a notice of lien and statement of expenses incurred.

36 (E) The lien is security for the expenses and interest accruing at the
rate of 10% per annum from the date the work was performed or the expenses
38 were incurred by the City.

40 (F) When the statement is filed, the City shall have a privileged lien on
that property, second only to tax liens and liens for street improvements.

42 (G) The City may institute suit to recover the expenses, with interest,
44 and may foreclose on the property. The original or a certified copy of the
statement of expenses is prima facie proof of the expenses incurred by the City
46 in doing the work or making the improvements.

2 **SECTION 12: RIGHT OF ENTRY.**

4 Whenever necessary to make an inspection to enforce any of the
6 provisions of this Ordinance or whenever the Building Official has reasonable
8 cause to believe that there exists in any building or upon any premises any
10 condition or violation which makes such building or premises unsafe, dangerous
12 or hazardous, the Building Official may enter such building or premises at all
14 reasonable times to inspect the same or to perform any duty imposed upon the
16 Building Official by this Ordinance. If such building or premises is occupied, he
 shall first present proper credentials and request entry, and if such building or
 premises is unoccupied, he shall first make a reasonable effort to locate the
 owner or other persons having charge or control of the building or premises and
 request entry. If entry is refused, the Building Official shall have recourse to
 every remedy provided by law to secure entry.

18 **SECTION 13: REFUSE AND TRASH CONTAINERS**

20 (A) All residential and commercial containers shall be closed with a
22 well-fitting lid (cover) when any garbage, refuse, trash, debris, rubbish, solid
24 waste or junk is in such container. If bags are utilized as a container, they shall
 be tightly sealed with a fastener. Pedestrian litter containers may be open for
 ease of use, but shall be designed in such a way as to reasonably prevent their
 contents from becoming litter.

26 (B) A person who places containers for collection and removes them
28 after collection shall take the necessary precautions to prevent the contents
 thereof from becoming litter.

30 **SECTION 14: JUNKED MOTOR VEHICLES: DEFINITIONS.**

32 In this Ordinance, the terms shall have the following meanings ascribed to
34 them:

36 **ANTIQUÉ VEHICLE** means a passenger car or truck that is at least 35
 years old.

38 **HEARING OFFICER** means the Director of the Department of
40 Development of the City of Annetta South or the director's designated
 representative.

42 **INOPERABLE** means a motor vehicle, as defined in Subchapter E of
44 Chapter 683 of the Texas Transportation Code, as amended, incapable of being
 propelled on its own power due to dismantling, disrepair, or some other cause.

46 **JUNKED VEHICLE** means any motor vehicle that:

48 (A) does not have lawfully attached to it:

50 (1) an unexpired license plate; or

- 2 (2) a valid motor vehicle inspection certificate; and
4 (B) is:
6 (1) wrecked, dismantled or partially dismantled, or discarded; or
8 (2) inoperable and has remained inoperable for more than:
10 (i) 72 consecutive hours, if the vehicle is on public
12 property; or
14 (ii) 30 consecutive days, if the vehicle is on private
16 property.

18 **MOTOR VEHICLE COLLECTOR** means a person who:

- 20 (A) owns one or more antique or special interest vehicles; and
22 (B) acquires, collects, or disposes of an antique or special interest
24 vehicle or part of an antique or special interest vehicle for personal use to restore
and preserve an antique or special interest vehicle for historic interest.

26 **SPECIAL INTEREST VEHICLE** means a motor vehicle of any age that
has not been changed from original manufacturer's specifications and, because
28 of its historic interest, is being preserved by a hobbyist.

30 **SECTION 15: JUNKED VEHICLES DECLARED PUBLIC NUISANCE.**

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

- 34 (A) is detrimental to the safety and welfare of the general public;
36 (B) tends to reduce the value of private property;
38 (C) invites vandalism;
40 (D) creates fire hazards;
42 (E) constitutes an attractive nuisance creating a hazard to the health
and safety of minors;
44 (F) produces urban blight adverse to the maintenance and continuing
46 development of the City; and
48 (G) is a public nuisance.

2 **SECTION 16: NOTICE.**

4 (A) Prior to any action being taken to abate and remove a junked
6 vehicle constituting a public nuisance, from private property, public property or
public right-of-way, not less than 10 days notice shall be given, except as
hereinafter provided, to the following parties:

- 8 (1) The last known registered owner of the junked vehicle as
10 shown on the certificate of title;
- 12 (2) Any lienholder of record; and
- 14 (3) The owner or occupant of the property upon which the
16 junked vehicle is located or the owner or occupant of the premises
adjacent to the public right-of-way on which the junked vehicle is
located.

18 (B) The notice shall be mailed, by certified mail return receipt
20 requested, and if the vehicle is reasonably accessible, also by posting a copy of
such notice to the front windshield of the vehicle, and shall state the following:

- 22 (1) The nature of the public nuisance;
- 24 (2) That it must be removed and abated not later than the 10th
26 day after the date on which the notice was mailed;
- 28 (3) That any request for a hearing must be made in writing
before the 10-day period expires;
- 30 (4) That failure to abate the nuisance, request a hearing or
32 attend the hearing, if requested, constitutes a waiver by the owner
and lienholders of all right, title and interest in the vehicle and their
34 consent to disposal for the junked vehicle under the terms of the
Texas Transportation Code concerning the disposal of junked
36 vehicles.

38 (C) If the post office address of the last known registered owner of the
40 junked vehicle is unknown, notice may be placed on the junked vehicle, or, if the
owner is located, hand-delivered.

42 (D) If any notice is returned undelivered by the United States post
44 office, the validity of the notice is not affected, and the notice is considered
delivered, however, official action to abate the nuisance shall be continued to a
46 date not earlier than 11 days after the date of the return of the notice.

48 **SECTION 17: HEARING.**

50 (A) The owner of the vehicle or occupant of the premises may, within
the 10-day period after the service of notice required by Section 16 (B) to abate

2 the nuisance, request the City Secretary of the City, either in person or in writing
4 to set a date and time to appear before the hearing officer for a public hearing to
6 determine whether the person is in violation of this Article. If a hearing is
8 requested within 10 days after service of notice to abate the nuisance, the junked
10 vehicle shall not be abated by the City until ordered to do so by the hearing
12 officer.

(B) At the public hearing, the hearing officer shall hear and consider all
10 relevant evidence, objections or protests and shall receive testimony from
12 owners, witnesses, City employees and interested persons relative to such
14 alleged public nuisance. The hearing may be continued from time to time.

(C) At the hearing the junked motor vehicle is presumed, unless
16 demonstrated otherwise by the owner, to be inoperable.

(D) Following the public hearing, the hearing officer shall consider all
18 evidence and determine whether the vehicle, or any part thereof, constitutes a
20 public nuisance as alleged. If the hearing officer finds that a public nuisance
22 does exist and that there is sufficient cause to abate the nuisance, and that
24 notice requirements provided in this Ordinance have been met, the hearing
26 officer shall make a written order setting forth his findings and ordering that the
28 nuisance be abated.

(E) If the information is available at the location of the nuisance, the
30 order requiring removal of the nuisance must include the vehicle's:

- 32 (1) description;
- 34 (2) vehicle identification number;
- 36 (3) license plate number; and
- 38 (4) a statement that the vehicle will be disposed of in
40 accordance with the Texas Transportation Code.

38 **SECTION 18: ABATEMENT OF NUISANCE.**

40 If no hearing is requested prior to the expiration of 10 days after the notice
42 required by Section 16 (B) was served or in the event the hearing officer orders
44 abatement of the nuisance, the Mayor or any duly authorized person may abate
46 such public nuisance by removal and disposal of the junked vehicle after the
48 issuance of an order meeting the requirements of Section 17(E).

46 **SECTION 19: JUNKED VEHICLES NOT TO BE MADE OPERABLE AFTER REMOVAL.**

48 After any junked vehicle has been removed under the authority of this
50 Ordinance, it shall not be reconstructed or made operable again.

2 **SECTION 20: NOTICE TO DEPARTMENT OF TRANSPORTATION.**

4 No later than the fifth day after the date of removal of a junked vehicle
6 pursuant to this Ordinance, notice must be given to the state Department of
 Transportation. Such notice must identify the vehicle.

8 **SECTION 21: RELOCATION OF JUNKED VEHICLES.**

10 After the City has sent notice in accordance with Section 16, the relocation
12 of a junked vehicle that is a public nuisance to another location in the City has no
 effect on the proceeding if the junked vehicle constitutes a public nuisance at the
14 new location.

16 **SECTION 22: DISPOSAL OF JUNKED VEHICLES.**

18 Any junked vehicle taken into custody by the City or any duly authorized
20 person pursuant to a provision of this Ordinance shall be disposed of in
 accordance with applicable provisions of Chapter 683, subchapter E of the Texas
 Transportation Code.

22 **SECTION 23: APPLICATION OF JUNKED MOTOR VEHICLE PROVISIONS.**

24 The provisions of this Ordinance shall not apply to a vehicle or vehicle part
 that is:

26 (A) completely enclosed within a building in a lawful manner where it is
28 not visible from the street or other public or private property; or

30 (B) stored or parked in a lawful manner on private property in
32 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
34 collector's property, if the vehicle or part and the outdoor storage area, if any,
 are:

36 (1) maintained in an orderly manner;

38 (2) not a health hazard; and

40 (3) screened from ordinary public view by appropriate means,
42 including a fence, rapidly growing trees, or shrubbery.

44 **SECTION 24: OFFENSE.**

46 (A) In lieu of or in addition to following the abatement proceedings set
48 forth in this Ordinance, the City may pursue the filing of a criminal complaint
 against the owner or occupant of the property in the municipal court for violation
50 of this Ordinance or Chapter 683, Subchapter E of the Texas Transportation
 Code.

2 (B) A person commits an offense if the person maintains a public
4 nuisance described by Section 15 hereof. An offense under this section is a
6 misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00).
Each day an offense occurs shall be a separate offense.

8 **SECTION 25: REMOVAL WITH PERMISSION OF OWNER OR OCCUPANT.**

10 If, within 10 days after receipt of notice from the City in accordance with
12 Section 16 to abate the nuisance, the owner or occupant of the premises shall
14 give his written permission to the City for removal of the junked motor vehicle
from the premises, the giving of such permission shall be considered compliance
with provisions of this Ordinance.

16 **SECTION 26: RIGHT OF REMOVAL FROM STREETS PRESERVED.**

18 Nothing in this Ordinance shall affect ordinances or other laws that permit
20 immediate removal of a vehicle left on public property which is abandoned or
which constitutes an obstruction to traffic.

22 **SECTION 27: SEVERABILITY.**

24 It is hereby declared to be the intention of the City Council that the
26 phrases, clauses, sentences, paragraphs, and sections of this ordinance are
severable, and if any phrase, clause, sentence, paragraph or section of this
28 ordinance shall be declared unconstitutional by the valid judgment or decree of
any court of competent jurisdiction, such unconstitutionality shall not affect any of
30 the remaining phrases, clauses, sentences, paragraphs and sections of this
ordinance, since the same would have been enacted by the City Council without
the incorporation in this ordinance of any such unconstitutional phrase, clause,
32 sentence, paragraph or section.

34 **SECTION 28: REPEALER.**

36 All ordinances conflicting herewith are hereby repealed only to the extent of any
conflict herewith.

38 **SECTION 29: PENALTIES.**

40 Any person, firm or corporation who violates, disobeys, omits, neglects or
42 refuses to comply with or who resists the enforcement of any of the provisions of
this ordinance other than those pertaining to junked vehicles shall be fined
as follows:

44 (A) Not more than Five Hundred Dollars (\$500.00) for each violation of
46 Sections 14 of this ordinance; and

48 (B) Not more than Two Thousand Dollars (\$2,000.00) for each violation
of Sections 2 through 5 and 13 of this ordinance.

2 Each day that a violation is permitted to exist shall constitute a separate
4 offense.

6 **SECTION 30: PUBLICATION.**

8 The City Secretary of the City of Annetta South is hereby directed to
10 publish caption, penalty clause, and effective date clause in the official
12 newspaper at least once within ten (10) days after the passage of this ordinance.

14 **SECTION 31: EFFECTIVE DATE.**

16 This ordinance shall be in full force and effect after its passage and
18 publication as provided by law and it is as ordained.

20 **PASSED AND APPROVED ON THIS 13th DAY OF April,**
22 **2006.**

24 
26 _____
28 Gerhard Kleinschmidt, MAYOR

30 ATTEST:

32 
34 _____
36 CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

George Staples, Attorney