

ORDINANCE NO. 76-3

AN ORDINANCE REPEALING ORDINANCE NO. 61-2 RELATING TO THE CUTTING AND REMOVAL OF WEEDS, HIGH GRASS AND UNDERBRUSH UPON PROPERTY IN THE CITY OF BELLE MEADE AND PROVIDING FOR THE CUTTING OF WEEDS AND OTHER VEGETATION AND REMOVAL OF SAID WEEDS AND OTHER VEGETATION, TRASH AND REFUSE UPON PROPERTY IN THE CITY OF BELLE MEADE; AND TO PROVIDE FOR THE ACCOMPLISHMENT OF SAME, IN THE EVENT THE OWNER OF SUCH PROPERTY SHALL FAIL TO DO SO, BY THE CITY, AND PROVIDING FOR NOTIFICATION OF THE OWNER OF SUCH PROPERTY, AND PROVIDING FOR RECOVERY OF THE EXPENSE OF SUCH CUTTING AND REMOVAL, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY OF BELLE MEADE AS FOLLOWS:

Section 1. That Ordinance No. 61-2 is hereby repealed in its entirety.

Section 2. The following actions or inactions by any person within the City of Belle Meade are hereby declared to be unlawful and nuisances:

A. For any person to permit or suffer weeds, trees and/or other vegetation to grow or to allow trash to accumulate on his properties to such an extent that such growth or accumulation is injurious to or likely to imperil the health, safety and welfare of the residents of the City of Belle Meade and the general public.

B. For any person to permit or suffer any substance, animal or thing, to accumulate on his property, which substance is or is likely to become a public nuisance, or which is likely to imperil the life, health or safety of any persons, or which, through the giving off of odors or noises, which is or is likely to become offensive or injurious to the comfort or service of the residents and the general public.

Section 3. The City Manager of the City of Belle Meade is hereby directed to make regular inspections of all property within the City of Belle Meade, to determine if a violation of Section 2 hereof exists. In the event he shall find any such violation, he shall cause notice to be forwarded to the last known address of all owners of such property as are shown upon the tax books of the City, which notice shall be forwarded by registered or certified mail, return receipt requested, to such owners, and such notice shall advise the owners of the existence of the condition that is in violation of Section 2 hereof, and shall

further advise that, in the event compliance is not effected within fifteen (15) calendar days from the date of mailing such notice, the City of Belle Meade will cause such cutting and/or removal to be accomplished, and the expense thereof charged to the property and the owners thereof as shown by said tax books.

Section 4. The City Manager is authorized and directed to prepare and send all such notices as are provided for in Section 3 herein above, and, in the event the cutting and/or removal required by this Ordinance shall not have been accomplished in the time allowed in such notice, then the City Manager is further authorized and directed to cause such cutting and/or removal to be done at the expense of the City of Belle Meade and to cause an account therefor to be made for each tract or parcel of property upon which such cutting and/or removal is done. The City Manager shall then notify the owners of the property of the amount of such expense, in the same manner as provided in Section 3 hereinabove, and shall further notify such owners that the reimbursement of such expense is required within thirty days from the date of such notice.

Section 5. All owners of property shall be liable, jointly and severally, for the expense of such cutting and/or removal accomplished by the City upon their property, and the property itself shall be subject to suit or lien for reimbursement of such expenses. In the event the expenses of such cutting and/or removal shall not have been paid within the thirty day period allowed following the notice as hereinabove provided, then the expenses shall be entered upon the tax books of the City as a charge against each such parcel of property whereon such expense was incurred. In the event such expense shall not have been reimbursed by December 1 of the year in which same was incurred, then the City Manager shall notify the City Attorney of all such amounts so expended, and the City Attorney is authorized and directed to institute suits in the name of the City of Belle Meade to recover all sums expended by the City pursuant to the provisions of this Ordinance.

Section 6. All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 7. It is hereby declared to be intention of the citizens and the Board of Commissioners of the City of Belle Meade that the sections, paragraphs, sentences and words of this Ordinance are severable, and if any section, paragraph, sentence or word in this Ordinance shall be declared invalid for any reason by a Court of competent jurisdiction, such declaration or holding shall not effect any of the remaining sections, paragraphs, sentences or words, inasmuch as same would have been enacted by the Board of Commissioners without the incorporation in this Ordinance of such invalid or unconstitutional section, paragraph, sentence or word.

Passed on First Reading:

Passed on Second Reading:

Passed on Third Reading and Adopted:

Mark S. Howell

Mayor

Frank G. Smith

Vice Mayor

Robert T. Coleman

Commissioner

C. H. [unclear]

Recorder