

HIGH GRASS AND WEEDS

Sec. 13-44. Weeds, brush and grass.

(a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city to allow weeds, brush, or grass to grow to a height greater than ten (10) inches above grade upon such premises, including the front or side parkway between the property line or sidewalk, if any, and the curb, if any, and the rear or side parkway between the property line and the alley pavement, if any, or traveled way.

(b) Any premises upon which weeds, brush or grass are permitted to grow or accumulate to a height greater than ten (10) inches are deemed to constitute a nuisance as a fire hazard and as dangerous to the public health, safety and welfare.

(c) It shall be unlawful for any owner or person in control of any such premises within the city to leave such weeds, brush or grass on such premises after they have been cut and it shall be the duty of the owner or person in control of any such premises within the city to remove the same.

(d) The cutting and removal of all weeds, brush and grass within one hundred fifty (150) feet of any property line shall be deemed a compliance with this article. (Ord. No. 76-5, §§ 5, 6, 4-5-76; Ord. No. 95-28, § 1, 7-3-95)

Sec. 13-45. Cultivated crops.

It shall be unlawful for any person to allow cultivated crops to grow within the right-of-way of any public street or easement; provided, however, that, the provisions of section 13-44 as to the cutting and removal of weeds, brush and grass shall not apply to regularly cultivated crops.

(Ord. No. 76-5, § 6, 4-5-76)

Sec. 13-46. Notice to owner, occupant to abate nuisance; failure to comply constitutes evidence of violation.

(a) It shall be the duty of the city administrator or other authorized officer or agent of the city to notify the owner or person in control of any premises within the city on which trash, rubbish, discarded furniture, household appliances or objectionable,

unsightly and unsanitary matter has accumulated or upon which weeds, brush and grass have grown to a height greater than ten (10) inches, to abate such nuisance within ten (10) days of such notice.

(b) The notice shall be in writing and may be served on the owner or person in control of the premises by delivery in person, by U. S. certified mail, return receipt requested, addressed to such owner or person in control at his post office address, or, in the event the owner or person in control cannot be found and the certified letter is returned by the U.S. Postal Service, then notice shall be by publication two (2) times within ten (10) consecutive days in the official newspaper of the city. Failure of the owner or person in control of such premises to abate the nuisance within the ten (10) day time period after any such notice will constitute prima facie evidence of a violation of this article.

(c) In accordance with section 342.006(c) of the Texas Health and Safety Code, if the owner or person in control of the premises commits another violation with one (1) year of the date of notice provided for herein, the city may enforce the provisions of this article against said owner or person in control of the property without further notice.

(Ord. No. 76-5, § 7, 4-5-76; Ord. No. 95-28, § 2, 7-3-95)

Sec. 13-47. Performance of work by city upon owner's, occupant's failure to comply with notice of section 13-46; collection of costs.

(a) In the event the city administrator or other authorized officer or agent of the city charged with the enforcement of the provisions of this article and the abatement of the nuisances described herein, shall deem it necessary, in the preservation of the public health, safety and welfare, that the trash, rubbish, discarded furniture, household appliances, or objectionable, unsightly and unsanitary matter be removed from premises which the owner or person in control thereof has been notified to clear pursuant to section 13-46 or the weeds, brush or grass cut and removed from such premises, such work shall be done by the city and the actual cost thereof levied, assessed and collected against the property. In addition thereto, there shall be added to the actual cost an administrative fee of one hundred fifty dollars (\$150.00) per lot or tract of land.

(b) If the owner or person in control of such premises shall fail to pay such cost so levied and assessed within thirty (30) days after being notified thereof, the city administrator shall file with the county clerk a statement signed by the mayor of such

cost, and such statement shall constitute a privileged lien upon the premises, second only to tax liens and liens for street improvements, to secure the expenditures so made and such lien shall bear ten (10) per cent interest per annum on the amount from the date payment is due.

(Ord. No. 76-5, § 8, 4-5-76; Ord. No. 95-28, § 3, 7-3-95)