

ORDINANCE NO. 155

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, MAKING IT UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION TO PERMIT WEEDS, BRUSH OR ANY OBJECTIONABLE OR UNSIGHTLY MATTER TO GROW TO A HEIGHT GREATER THAN TWELVE (12) INCHES WITHIN FIFTY (50) FEET OF ANY PROPERTY LINE ABUTTING STREET RIGHTS-OF-WAY, ALLEYS, UTILITY EASEMENTS, SUBDIVIDED ADDITIONS, OR DEVELOPED PROPERTY OF ANY KIND; PROHIBITING THE GROWTH OF CULTIVATED CROPS WITHIN THE RIGHT-OF-WAY OF ANY PUBLIC STREET OR EASEMENT; MAKING IT THE DUTY OF ANY PERSON TO CUT AND REMOVE ANY SUCH WEEDS, BRUSH OR GRASS EVERY THIRTY (30) DAYS; PROVIDING THAT THE CUTTING AND REMOVING OF THE WEEDS, GRASS AND BRUSH EVERY THIRTY (30) DAYS SHALL CONSTITUTE COMPLIANCE WITH THE ORDINANCE; PROVIDING FOR NOTICE TO OWNERS OR PERSONS IN CHARGE OF PROPERTY VIOLATING THE TERMS OF THIS ORDINANCE; AUTHORIZING THE CITY TO CUT SUCH WEEDS, GRASS AND BRUSH AND TO CHARGE THE COST TO THE OWNERS OF THE PROPERTY; PROVIDING FOR CHARGES FOR THE CUTTING OF THE WEEDS AND THE FILING OF A LIEN AGAINST THE PROPERTY BY FILING A STATEMENT WITH THE COUNTY CLERK; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. It shall be unlawful for any person, firm or corporation owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the City of Addison, Texas, to permit weeds, brush or any other objectionable or unsightly matter to grow to a height greater than twelve (12) inches

upon any such real property within fifty (50) feet of any property line abutting street rights-of-way, alleys, utility easements, subdivided additions, or other developed property. It shall be the duty of such person, firm or corporation to keep the area from the line of his property to the curb line next adjacent to it, if there be a curb line, and, if not, then within twenty (20) feet outside that property line, free and clear of the matter referred to above. All vegetation not regularly cultivated which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement, but shall be kept mowed as provided herein.

SECTION 2. It shall be the duty of any person, firm or corporation, owning, claiming, occupying or having supervision or control of any real property, to cut and remove all such weeds, brush and other objectionable or unsightly matter as often as may be necessary to comply with the terms hereof; provided, however, that the removing and cutting of the same at least once in every thirty (30) days shall be deemed to be a compliance with this ordinance.

SECTION 3. In the event that any person, firm or corporation owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the City of Addison, fails to comply with the provisions hereof, it shall be the duty of the Fire Chief to give ten (10) days notice in writing to such person, firm or corporation violating the terms of this ordinance, or by letter addressed to such person, firm or corporation, at its Post Office address or by publication two (2) times within ten (10) consecutive days in the City's official newspaper. If such person, firm or corporation fails or refuses to comply with the provisions of Sections 1 and 2

hereof within ten (10) days after date of notification in writing, or by letter or date of second publication of notice in the City's official newspaper, the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this ordinance.

SECTION 4. The expense incurred pursuant to Section 3, above, in correcting the condition of such property, and the cost of publishing notice in the newspaper shall be paid by the City and charged to the owner of such property. In the event the owner fails or refuses to pay such expense within thirty (30) days after the first day of the month following the one in which the work was done, the City shall file with the County Clerk of Dallas County a statement of the expenses incurred in correcting the condition on the property. When such statement is filed, the City shall have a privileged lien upon such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten per cent (10%) from the date the City incurs the expense. For any such expenditures and interests, suit may be instituted and recovery and foreclosure had by the City. The statement of expense filed with the County Clerk, or a certified copy thereof, shall be prima facie proof of the amount expended in such work; improvement or correction of the property, all as more particularly specified in Article 4436, Vernon's Annotated Texas Civil Statutes, which is hereby adopted.

SECTION 5. Any ordinance or any part of any ordinance of the City of Addison in conflict herewith is hereby repealed.

SECTION 6. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed the sum of Two Hundred Dollars

(\$200.00) for each offense, and each and every day that the premises shall remain in the condition in violation of the terms of this ordinance shall constitute a separate offense.

SECTION 7. Should any word, phrase, sentence, clause or paragraph or Section of this ordinance be declared or held to be illegal or unconstitutional, the same shall not affect the remaining words, phrases, sentences, clauses, paragraphs or Sections of this ordinance which shall remain in full force and effect.

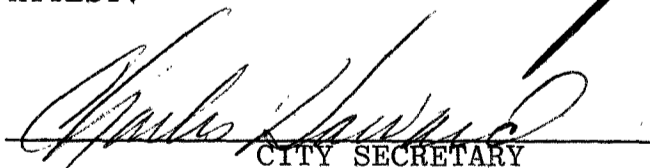
SECTION 8. The fact that the present ordinances of the City of Addison are inadequate to control the cutting and removal of weeds, brush or objectionable or unsightly matter, creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires that this ordinance take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED by the City Council of the City of Addison, Texas, on the ____ day of _____, 1973.

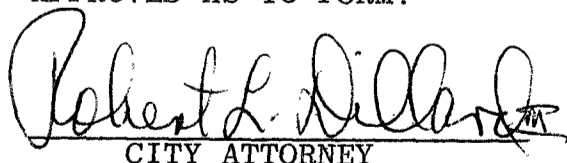
APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY