

AN ORDINANCE SAFEGUARDING PERSONS AND PROPERTY AND PROMOTING THE PUBLIC WELFARE; DEFINING TERMS; PROHIBITING UNSIGHTLY WEEDS AND VEGETATION; PROVIDING A DUTY TO REMOVE UNSIGHTLY MATTER; APPLICABILITY TO ZONING CLASSIFICATION; APPLICABILITY TO RAILROAD RIGHTS-OF-WAY; PROHIBITING ACCUMULATION OF LUMBER, BOXES, AND ETC. THAT MAY BE USED AS A HARBORAGE FOR RATS; PROVIDING FOR NOTICE OF VIOLATION AND CITY'S AUTHORITY TO ABATE NUISANCE; PROVIDING DUTIES OF ABUTTING PROPERTY OWNERS AND OCCUPANTS; PROVIDING FOR RECOVERY OF EXPENSES AND FILING OF LIEN AGAINST PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY NOT TO EXCEED 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. Definitions:

For the purpose of this ordinance, the terms used herein shall be interpreted as follows:

- a. Animal or animals other than dogs shall mean any animal, other than dogs, which creates a health hazard or definite danger to the surrounding neighborhood.
- b. Brush shall mean scrub vegetation or dense undergrowth.
- c. Carrion shall mean the dead and putrifying flesh of an animal, fowl, or fish.
- d. Filth shall mean any matter in a putrescent state.
- e. Impure or unwholesome matter shall mean any putrescible or nonputrescible condition, object or matter which tends, may or could produce injury, death or disease to human beings.

f. Matter shall mean that of which any physical object is composed.

g. Nuisance shall include stagnant or unwholesome water, sinks, privies, filth, carrion, weeds, rubbish, brush and refuse impure or unwholesome matter of any kind, objectionable, unsightly or unsanitary matter of whatever nature, litter, or animal or animals other than dogs, as defined elsewhere in this section.

h. Objectionable, unsightly or unsanitary matter shall mean any matter, condition, or object which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

i. Refuse shall mean heterogenous accumulation of worn out, used up, broken, rejected or worthless materials.

j. Rubbish shall mean trash, debris, rubble, stone, useless fragments of building material, and other miscellaneous useless wastes or rejected matter.

k. Weeds shall mean grass weeds or brush of a height in excess of twelve (12) inches but not cultivated vegetation.

l. Any words not herein defined shall be construed in the context used and by ordinary interpretation and not as a word of art.

SECTION 2. Unsightly weeds and vegetation prohibited.

It shall be unlawful for any person, firm or corporation owning, claiming, occupying or having supervision or control over any real property, occupied or unoccupied within the corporate limits of the city to permit grass, weeds, or brush to grow to a greater height than twelve (12) inches upon any real property, or allow any objectionable or unsightly matter to remain upon said property.

All vegetation not regularly cultivated and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops will not be allowed to grow within the right-of-way of any public street or easement but shall be kept mowed the same as provided above.

SECTION 3. Duty to remove unsightly matter.

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, refuse, rubbish and other objectionable or unsightly matter as often as may be necessary to comply with this ordinance. It shall be the duty of each person, firm or corporation to keep the area from the line of his property to curb line, next adjacent to it, if there be a curb line, and if not, within ten (10) feet outside the property line, free and clear of weeds, brush and objectionable matter.

SECTION 4. Zoning.

In areas zoned Commercial or Industrial under the zoning ordinances of the City, the requirements in Section 1 through 3 shall be applicable to areas within two hundred (200) feet from buildings and areas within two hundred (200) feet from property lines adjacent to the building on adjoining property owned by other persons, and within two hundred (200) feet of property zoned other than Commercial or Industrial under the zoning ordinance of the City.

Deletions

SECTION 5. Railroad right-of-ways.

The provisions of this ordinance shall be applicable to all railroad right-of-ways, (regardless of the zoning classification *Deletions*)

of such railroad right-of-way, because of the potential fire hazards existing within such railroad right-of-way.)

SECTION 6. Accumulation of lumber, boxes and etc.

It is unlawful and declared a nuisance for any owner or occupant, tenant or lessee of any premises improved or unimproved on which evidence of rats infestation is found; or any lots or alleys adjacent to such property, to permit accumulation of any lumber, boxes, barrels, bricks, stones, or any other character of materials that may be used as a harborage for rats, rodents or other vermin, unless same shall be placed on open racks and elevated not less than eighteen (18) inches above ground, with a clear intervening space underneath. *Revised*

SECTION 7. Notice of violation; city authorized to abate nuisance.

(a) Easements. In the event of a nuisance as defined above is found to exist upon any easement within the city, or in the event that any person, firm or corporation owning, claiming, occupying or having supervision or control of any easement within the city limits, fails to comply with the foregoing provision of this ordinance, it shall be the duty of the Mayor or his duly appointed representative to give ten (10) days official notice to such person, firm or corporation which is creating such nuisance or is violating the terms of this ordinance. If such person, firm or corporation fails or refuses to comply with the provisions of Section 1 through 3 within the ten (10) days following notification, they shall be considered to be in violation and subject to a fine as provided herein after.

(b) Other properties. The provisions above shall apply to all other real properties occupied or unoccupied, except that the requirement of a ten (10) day official notification is met and fulfilled when the Mayor or his duly appointed representatives has given a ten (10) days notice in writing at least one (1) time in any calendar year to such person, firm or corporation which is creating such nuisance 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 paper.

(c) Authority of city to abate nuisance. The city shall be further entitled to go upon such above properties and do or cause to be done the work necessary to abate said nuisance if such person, firm or corporation fails or refuses to comply with the provisions of section 1 through 3 within ten (10) days following official notification.

SECTION 8. Duties of abutting property owners and occupants.

Property owners and occupants shall be jointly responsible for nuisances and abatement under this section to the center line of the street and alley rights-of-way abutting property they own or occupy, provided that such responsibility shall be deemed assumed by the city for the purposes of this ordinance only for those portions of such rights-of-way which are paved, if any and only if, all paving assessment liens against the abutting property have been discharged by payment or law. *Delete*

SECTION 9. Expenses; lien; recovery.

The expense incurred pursuant to section 7 in correcting the

condition of 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 on such property, second only to tax lien 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%) per annum from the date the city incurs the expenses. For any such expenditures and interest, suit may be instituted and recovered 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 10. In the event that any section, paragraph, subdivision, clause, phrase, or provision of this ordinance or revisions thereof, adopted herein shall be adjudged invalid or held unconstitutional, the same shall not effect the validity of this ordinance or revisions thereof, as a whole or any part or provision other than the part so decided to be invalid or unconstitutional.

SECTION 11. All other ordinances and parts of ordinances in conflict with this ordinance shall be, and the same are hereby repealed, but the repeal of such ordinances or parts of ordinances

shall not affect any right, property or claim which was or is vested in the City of Addison, Texas, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeitures incurred, or any suit or prosecution pending at the time when this ordinance shall take effect under any of the ordinances or section thereof so repealed.

SECTION 12. Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine, upon conviction in the corporation court, of not more than Two Hundred Dollars (\$200.00), and each and every day that the premises shall remain in a condition in violation of the terms of this ordinance shall constitute a separate offense. This section shall be in addition to and cumulative of the provisions for the abatement of said nuisance and charging the cost of same against the owner of the premises by the City.

SECTION 13. That the City of Addison, Texas has not adopted an ordinance prohibiting nuisance and abatement thereof creates an urgency and an emergency and in the preservation of the public welfare, safety and health 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.

APPROVED:

Mayor

APPROVED AS TO FORM:

Attorney

ATTESTED:

City Secretary

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