

ORDINANCE NO. 093-021

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SECTIONS 10-16, 10-17, AND 10-24 OF THE CODE OF ORDINANCES, THE TOWN OF ADDISON, TEXAS; PROVIDING FOR A NEW SECTION 10-21.1 OF THE CODE OF ORDINANCES, THE TOWN OF ADDISON, TEXAS; CONFLICTING ORDINANCES; SEVERABILITY; AND EFFECTIVE DATE OF ORDINANCE.

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

SECTION 1. That Ordinance No. 206 passed by the city council on the 21st day of April, 1975, is hereby amended by amending Section 10-16 to read as follows:

Sec. 10-16. Penalties generally.

The penalty provided for a violation of this Code shall be in addition to and cumulative of the provisions in this article for the abatement of nuisances and charging the cost of same against the owner of the premises by the city. Moreover, the penalties provided in this article shall in no way be construed to limit the power of the city to proceed in any other civil or criminal proceeding or to proceed under any other provision of the Addison Code of Ordinances to obtain enforcement of the provisions of this article.

SECTION 2. That Ordinance Nos. 206 and 088-027 passed by the city council on the 21st day of April, 1975, and the 28th day of June, 1988, respectively, be amended by amending Section 10-17 to add a definition for "graffiti":

Sec. 10-17. Definitions.

Graffiti shall mean the unauthorized spraying of paint or making of ink, chalk, dye, or other similar substances on public and private buildings, structures, and places.

SECTION 3. That Ordinance Nos. 155, 206, 821, and 087-068 passed by the city council on the 21st day of May, 1973, the 21st day of April, 1975, the 10th day of August, 1982, and 13th day of October, 1987, respectively, be amended by amending Section 10-24 to read as follows:

Sec. 10-24. Nuisance located upon easements; duties of abutting property owners and occupants.

For purposes of this section, the term "easement" shall mean a right, vested in the public generally or in the community as a whole, to use and enjoy the land of another person for a special purpose. Such term shall include, but not be limited to, all drainage and floodway dedications or easements located within the corporate limits of the Town of Addison. In the event that a nuisance, as defined hereinabove at section 10-17, is found to exist upon any easement within the city, or in the event that any person, firm or corporation whose property is burdened by any easement within the city limits, fails to comply with the foregoing provision of this article, the city manager or his duly appointed representative may give a ten (10) day official notice to such person, firm or corporation which is creating such nuisance or in violating the terms of this article. If such person, firm or corporation fails or refuses to comply with the provision of sections 10-18 through 10-21.1 within the ten (10) days following notification, they shall be considered to be in violation and subject to a fine as provided in Chapter 1 of this Code. The provisions of this section shall apply only to the owner of the servient estate or the property burdened by the easement and shall not apply to the grantee or holder of such easement.

Property owners and occupants shall be jointly responsible for nuisances and abatement thereof under this article up to the curb or sidewalk, and between the curb and sidewalk, of the streets and to the pavement of alleys on abutting property they own or occupy. Existing drainage areas and creeks traversing drainage and floodway easements within the city shall remain as open channels (unless required to be enclosed by other ordinances) at all times and shall be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage and floodway easements. The city shall not be responsible for maintenance or operation of said creeks or drainage or for any damage or injury to private property or person that results from the flow of water along said creek or drainage, or for the

control of erosion. Each property owner shall keep the natural drainage area channel and creek traversing the drainage and floodway easements adjacent to his property clean and free of debris, silt, growth, vegetation, weeds, rubbish, refuse, matter and any substance which would result in unsightly or unsanitary conditions or obstruct the flow of water. The city shall have the right, but not the obligation, to enter upon the easements at any point or points with all rights of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur.

SECTION 4. A new section 10-21.1 is created to read as follows:

Sec. 10-21.1. Graffiti.

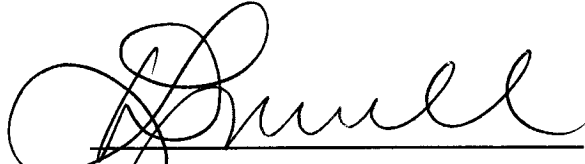
It shall be unlawful for any person or firm owning property, acting as manager or agent for the owner of property, or in possession or control of property to fail to remove or effectively obscure any graffiti from such property within thirty (30) days from receipt of the notice described in this article.

SECTION 5. Conflicting Ordinances. That all ordinances of the Town in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions herein, which other portions shall continue in full force and effect.


SECTION 7. Effective Date. This Ordinance shall be and become effective immediately upon and after its passage and approval.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this 23rd day of March, 1993.



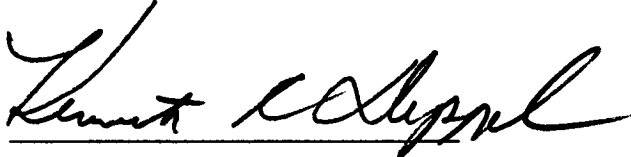
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



CITY ATTORNEY

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6/10/93

