

ORDINANCE NO. 133

AN ORDINANCE REGULATING THE HEIGHT TO WHICH GRASS, WEEDS OR UNCULTIVATED PLANTS SHALL BE PERMITTED TO GROW WITHIN THE CORPORATE LIMITS OF THE CITY OF WILLOW PARK, UPON PREMISES, PRIVATE OR PUBLIC; REGULATING THE HEIGHT TO WHICH GRASS, WEEDS OR UNCULTIVATED PLANTS SHALL BE PERMITTED TO GROW ALONG OR ADJACENT TO PUBLIC STREETS; REQUIRING THE OWNER OF ANY LOT OR LOTS TO KEEP THE SAME FREE FROM RUBBISH, BRUSH AND ANY AND ALL OTHER OBJECTIONABLE, UNSIGHTLY OR UNSANITARY MATTER OF WHATEVER NATURE; REQUIRING FOR THE CUTTING AND REMOVAL OF CERTAIN WEEDS AND GRASS; PROVIDING FOR THE CUTTING AND REMOVAL OF GRASS AND WEEDS BY THE CITY OF WILLOW PARK, WITH THE COST INCURRED TO CONSTITUTE A LIEN; PROVING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF ALL OTHER ORDINANCES AFFECTING THE GROWTH OF GRASS, WEEDS OR UNCULTIVATED PLANTS; AND NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WILLOW PARK, TEXAS:

SECTION 1

It shall be unlawful for any person, firm, corporation, partner ship, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Willow Park to suffer or permit grass, weeds, or any plant that is not cultivated to grow to a greater height than twelve inches (12") on an average or to grow in rank profusion upon said premises.

With respect to lots, tracts, or parcels of land of two or more acres under single ownership, the provisions of this section shall not be applicable to the area in excess of one-hundred feet (100') from any adjacent property under different ownership on which habitable dwelling are located.

SECTION 2

It shall be unlawful for any person, firm, corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or any portion thereof, occupied or unoccupied, improved or unimproved,

within the corporate limits of the City of Willow Park to suffer or permit grass, weeds, or any plant that is not cultivated, to grow in rank profusion or otherwise, in, along, upon or across the sidewalk or street adjacent to same in the area between the property line and the curb line or within ten feet (10') beyond the property line, to a height greater than twelve inches.(12") on the average.

SECTION 3

It shall be unlawful for any person, firm, corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Willow Park, to suffer or permit any rubbish, brush, any and all other objectionable, unsightly or unsanitary matter of whatever nature to accumulate or be present upon any such lot, tract, or parcel of land.

SECTION 4

It shall be the duty of any person, firm, corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or protion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Willow Park, to cut or cause to be cut, and remove, or cause to be removed, if necessary, to comply with Section 3 of this ordinance, all such grass, weeds, plants, rubbish, brush, and any and all other objectionable, unsightly or unsanitary matter of whatever nature as often as may be necessary to comply with the provisions of Section 1, 2 and 3 of this ordinance.

SECTION 5

In the event that the owner of any lot, tract, parcel of land of a portion thereof situated within the corporate limits of the City of Willow Park shall fail to comply with Section 4 of this ordinance, then the City of Willow Park may notify such owner by letter addressed to him at his post office address, or by publication as many as two (2) times within ten (10) consecutive day's in the official newspaper, if personal service may not be had as aforesaid, or the owner's address be not known, of said owner's failure to comply with Section 4 of this ordinance, and at the expiration of ten days after notification, the City of Willow Park may enter upon such premises and may do such work as necessary, or cause the same to be done, in order that the premises may comply with the requirements set forth in Section 4. A statement of the cost incurred by the City of Willow Park to abate such condition shall be mailed to the owner of said premises, which statement shall be paid within thirty days of the date of the mailing thereof. In the event that said statement has not been paid within such period, the Mayor of the City of Willow Park may file a statement with the County Clerk of Parker County, Texas of the expenses incurred to abate such condition on said premises, and the City of Willow Park shall have a privileged lien on any lot, tract or parcel of land upon which such expense is incurred, second only to tax liens and liens for street improvements, together with ten percent on the delinquent amount from the date such payment is due. For any such expenditure and

interest, as aforesaid, suit may be instituted and recovery and foreclosure had in the name of the City of Willow Park, and the statement so made, as aforesaid, or a copy thereof shall be prima facie proof of the amount expended in any such work performed by the City of Willow Park.

SECTION 6

Any person violating any of the provisions of this ordinance shall, upon conviction, be fined in any sum of money not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00). Each day any such violation of this ordinance shall continue shall constitute a separate offense.

SECTION 7

If any section, subsection, clause, sentence, phrase or word of this ordinance is for any reason held void or unconstitutional by a court of competent Jurisdiction, such invalidity shall not affect the validity of the remaining sections, clauses, subsections, sentences, phrases or words except as the same are inseparable from and indispensable to the remaining portions of the ordinance.

SECTION 8

This ordinance shall be cumulative of all other ordinances of the City of Willow Park, relating to the subject matter hereof except where such ordinances or parts thereof are in conflict with the provisions of this ordinance, in which event, such ordinances or parts of ordinances so conflicting are hereby expressly repealed.

SECTION 9

That this ordinance shall become effective and be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

SECTION 10

WHEREAS, an emergency is apparent for the immediate preservation of order, good government, and public safety that requires this ordinance become effective at once;

THEREFORE, upon passage of this ordinance by a vote of at least two (2) members of the Town Commissioners of the Town of Willow Park, it shall be effective from, and after the date of passage.

Z. C. Baker, Mayor

Z. C. Baker

Owen L. Barger

Owen L. Barger, Town Secretary