

ORDINANCE NO. 276-90

AN ORDINANCE AMENDING ORDINANCE NO. 133 AND 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 GRASS AND WEEDS BY THE CITY OF WILLOW PARK, WITH THE COST INCURRED TO CONSTITUTE A LIEN; 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 COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

I.

Ordinance No. 133 is hereby amended to read as follows:

II.

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 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.

Lots, tracts or parcels of land of a size greater than two acres which are not currently being used for agricultural purposes shall be mowed 100 feet around the perimeter and along streets and adjacent property. If lot size is equal to or less than two acres, the entire lot, tract or parcel of land shall be mowed.

III.

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 the adjacent street edge, to a height greater than twelve inches (12") on the average.

IV.

It shall be unlawful for any person, firm, corporation, 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

V.

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 portion 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 Sections II, III or IV 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 them provisions of II, III, and IV of this ordinance.

VI.

In the event that the owner of any lot, tract, of land or a portion thereof situated within the corporate limits of the City of Willow Park shall fail to comply with Section V of this ordinance, then the City of Willow Park may notify such owner by letter addressed to him at his post office address, or publication as many as two (2) times within ten (10) consecutive days 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 V of this ordinance, and at 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 V.

VII.

A mowing fee of \$6.00 per hour plus a \$200.00 administrative fee shall be charged for mowing done by or at the direction of the City of Willow Park. 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, including such filing fees with the County Clerk, 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 then date such payment is due. For any such expenditure and interest, as foresaid, 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.

VIII.

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 Thousand Dollars (\$2,000.00). Each day any such violation of this ordinance shall continue shall constitute a separate offense.

IX.

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.

X.

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.

XI.

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 ordained.

PASSED AND ADOPTED this 15th day of May, 1990.

APPROVED:

J. Mark Bumpas

MARK BUMPAS, MAYOR
CITY OF WILLOW PARK, TX

ATTEST:

Aref Hassan

AREF HASSAN
CITY ADMINISTRATOR/SECRETARY
CITY OF WILLOW PARK, TX

Walter W. Leonard

WALT LEONARD
CITY ATTORNEY