

ORDINANCE NO. 381-96

AN ORDINANCE OF THE CITY OF WILLOW PARK, TEXAS PROHIBITING ACCUMULATIONS OF UNWHOLESOME MATTER, WASTE MATTER, DEPOSITS WHICH CAUSE DRAINAGE PROBLEMS, STAGNANT WATER, UNGRADED FILL, RUBBISH AND BRUSH AND CERTAIN HIGH WEEDS AND OTHER VEGETATION; PROVIDING FOR ABATEMENT BY THE CITY AND PLACEMENT OF A LIEN ON SUCH PROPERTY FOR THE COST THEREOF; PROVIDING A PENALTY AND FOR PUBLICATION.

WHEREAS, the city council desires to establish regulations requiring that property be kept clean and providing for cleaning of said property by the city at owner's expense, with a lien to secure payment of any funds expended by the city to clean such property; and

WHEREAS, this measure is found by the Council to be necessary for the protection of public health and safety;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS, THAT:

Section 1: Removal of deposit dirt, gravel, etc.

It shall be unlawful for any person to remove or deposit dirt, gravel, or topsoil from any land situated within the city unless such person provides for proper drainage following the removal of deposit of such dirt, gravel, earth or topsoil. Proper drainage means that the water draining off such land shall not disturb the natural drainage so as to adversely affect city streets or adjoining property. It shall be unlawful for my person to remove or deposit any such material unless the owner first secures a permit from the city.

Section 2: Accumulation of unwholesome matter

It shall be unlawful for the owner of any lot, building, house, establishment or premises in the city to allow or permit any carrion, filth or any other impure or unwholesome matter of any kind to accumulate or remain thereon.

Section 3: Dumping of Waste

(a) It shall be unlawful for any person to place, or allow to be placed, any waste matter, whether usable or not, which is offensive to the public health, safety or to the aesthetics of the neighborhood, on any property, whether private or public, within the city. This section is specifically intended to include, but is not limited to, worn out, wrecked and/or

abandoned automobiles, trucks, tractors, machinery of any kind, any part thereof, old iceboxes, refrigerators and stoves, weeds, grass clippings, lumber, clothing, boxes, carcasses of animals, furniture or furnishings, rocks, brickbats or trash.

(b) It shall be required that the owner provide a receptacle or container capable of containing any waste material generated by construction, remodeling, repair or any work on a lot, lots or tract of land prior to commencement of any work activity.

(c) During construction, remodeling, repairs or any work on a lot, lots or tract of land within the city that does not have restroom facilities, the owner shall provide portable restrooms.

Section 4: Leveling of fill material

The owner of any private property where fill material is placed shall cause the same to be graded and leveled within thirty (30) days from the placement thereof

Section 5: Accumulation of stagnant water

It shall be unlawful for the owner of any lot or lots within the city to allow to exist thereon any sinkhole or low place in which stagnant water may be found. Such low places or sinkholes shall be filled upon notice by the city.

Section 6: Removal of rubbish, brush:

(a) It shall be unlawful for the owner of any lot or lots within the city to suffer the same to have rubbish and brush thereon. Such rubbish and brush shall be removed upon notice from the city as provided in this article, and upon the failure of the owner to remove the same the city may have the work done and charge the expense thereof as a lien against the owner as provided in this article.

(b) It shall be unlawful for an owner of any lot, lots or tracts of land within the city to burn rubbish, trash, or construction waste in an open fire upon said lot, lots or tract of land. This ordinance shall not apply to brush and other organic material grown or produced on the lot or tract of land on which it is to be burned.

Section 7: Unlawful growth of vegetation: duty to remove

(a) It shall be unlawful for any person, owner, agent, occupant, or anyone having supervision or control of any lot, tract, parcel of land or a

portion thereof, occupied or unoccupied, within the city, to suffer or permit grass, weeds or any plant that is not cultivated to grow to a greater height than twelve (12) inches on an average, to grow in rank profusion upon such premises.

- (b) No person shall permit grass, weeds or any plant that is not cultivated to grow along the sidewalk or street adjacent to the same between the property line and the curb or, if there is not a curb, within ten (10) feet outside that property line to a height greater than twelve (12) inches on an average, or to grow in rank profusion upon such premises.
- (c) It shall be the duty of any person, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or a portion thereof, occupied or unoccupied, within the city, to remove or cause to be cut and removed all such grass, weeds, or plants as often as may be necessary to comply with subsections (a) and (b).

Section 8: Notice to owner to correct unlawful condition

- (a) Whenever any condition described in this ordinance is found to exist on any premises within the city, the owner of such premises shall be notified by the city, in writing, to correct, remedy or remove the condition within ninety (90) days after such notice, and it shall be unlawful for any person to fail to comply with the same.
- (b) The notice provided for in subsection (a) shall be served personally on the owner or whom it is directed or shall be given by letter addressed to such owner at his last known post office address. In the event notice cannot be made and the owner's address is unknown, such notice shall be given by publication at least two (2) times within ninety (90) consecutive days in a newspaper of general circulation within the city.

Section 9: Correction or removal of conditions by city-Generally

If the owner of any lot or premises, upon which a condition described in this ordinance exists, fails to correct, remedy or remove such condition within ninety (90) days after notice to do so is given in accord with this article, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition, or cause the same to be done, and pay therefor and charge the expenses incurred thereby the owner of such lot. Such expenses shall be assessed against the lot or real estate upon which the work was done or the improvements made as stated in the schedule of fees. The doing of the work by the city shall not relieve such person from prosecution for failure to comply with such notice in violation of section 8 (a).

Section 10: Statement of expenses

Whenever any work is done or improvements are made by the city under the provisions of section 9, the city administrator or designee on behalf of the city shall file a statement of the expenses incurred thereby with the county clerk. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made. The city administrator or designee is hereby authorized to execute releases of liens upon payment thereof.

Section 11: Creation of lien

After the statement provided for in section 10 is filed, the city shall have a privileged lien on the lot or real estate, upon which the work was done or improvement made, to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of ten (10)percent per annum from the date of payment by the city of such expenses. For any such expenditures and interest, suit may be instituted and recovered and foreclosure of the lien may be had in the name of the city, and the statement of expenses made in accord with section 10, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

Section 12: Penalty

Any person, firm, or corporation violating Sections 1 through 7 who fails to correct such conditions within the time provided by Section 9 hereof shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed \$500. Each day such violation exists after expiration of such notice shall be a separate offense punishable hereunder.

Section 13: Publication

The City Secretary is hereby directed to publish the caption of this ordinance in the official paper of the City of Willow Park.

PASSED by the City Council of the City of Willow Park by a vote of 5 to 0 on the 16 day of January, 1996.

CITY OF WILLOW PARK

By: William J Clemens

William J. Clemens, Mayor

ATTEST:

Reba Robertson

Reba Robertson, City Secretary