ORDINANCE 20200811C

AN ORDINANCE REGULATING WEEDS AND UNCUT GRASSES; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND, REPEALING ALL ORDINANCES IN CONFLICT OF THIS ORDINANCE

WHEREAS, the City Council has determined that uncut weeds and grasses growing or standing upon property within the City of Burton constitutes:

A public nuisance;

A health hazard as it provides breeding areas and food sources for vermin and insects;

A fire hazard due to the combustible nature of long, dry grasses and weeds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURTON, TEXAS:

Section 1. - A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises in the city and permits weeds, grass, or other vegetation located on the premises to grow to a height greater than nine (9) inches.

The following shall be exempt from the aforementioned requirement:

(1) Agricultural crops;
(2) Hay that is grown for the specific purpose of cultivation, provided that the property is mowed and baled at least once every forty-five (45) calendar days;
(3) Cultivated trees or shrubs;
(4) Wildflowers, but only until such time as seeds have matured following the final blooming of the majority of the plants.

Under any of the above exemptions, it shall be an offense to permit weeds, grass, or other vegetation located within fifty (50) feet of public right-of-ways or adjacent developed properties to grow to a height greater than nine (9) inches.

Section 2. - It shall be unlawful for any owner, occupant, or person in control of a premises to allow grass, weeds, or other vegetation over nine (9) inches in height to grow on the area adjacent to the property line including public right-of-way, sidewalk, parkway, or alleyway as measured from the property line to the curb or pavement edge; or if no paving exists to the center of the right-of-way or alley.

Section 3. - It shall be the duty of any owner, occupant, or person in control of any lot, tract, or parcel of land or any portion thereof, to cut or cause to be cut and removed as necessary to comply with this section, all such grass, weeds or vegetation on the property as often as may be necessary to comply with the provisions of this section.

Section 4. - Creeks and natural areas approved by the city shall be exempt from these requirements.

Section 5. - Lots and parcels of land within the City of Burton which contain (at the present time or may contain in the future) weeds and grasses which have grown to a height exceeding nine (9) inches shall be in violation of this ordinance. The City may enter upon the property and cut the weeds and grasses.

Section 6. – If a violation of this ordinance is committed, the following procedures will be followed:

a. The City of Burton, through the Mayor or City Secretary's office, shall notify, first, by telephone as a courtesy and, second, if violation has not been rectified within seven (7) days, by first class mail the owner and/or occupant of a parcel that is in violation of this ordinance. If the Mayor or City Secretary's office cannot notify the owner or occupant of the property, then notice may be posted in a conspicuous place on a building on the property. The owner or occupant shall be given ten (10) days after second notice in which to correct the violation.

b. If the owner or occupant does not correct the violation within the ten (10) day period, the owner or occupant will be issued a citation for a municipal violation by a representative of the City designated by the Mayor.

c. Any person or entity who violates this ordinance resulting in a citation being issued shall be fined in a sum not less than one dollar ($1.00) and not more than one hundred dollars ($100) plus costs. Each day that there is a violation of the provisions of this ordinance shall constitute a separate offense. A violation of this ordinance shall also subject the violator to such additional sanctions, remedies, and judicial orders as are authorized under Texas Law, including costs and attorney fees.

In the event the City deems it necessary to cut the weeds and grasses, all expenses incurred by the City to abate the high grass or weeds, including the costs of giving notice as required, shall initially be paid by the City and charged to the owner of the property. The City shall bill the owner of said property for the reasonable cost of cutting the weeds and grasses. If the owner fails to reimburse the City for expenses when due, the City shall file a lien against the property in the amount of the expenses plus filing fees with the Washington County Clerk. The lien shall state the name of the owner, if known, and the legal description of the Property.

The lien shall be security for the expenditures to abate the high grass and weeds and shall be inferior only to Tax Liens.

Section 7. - Saving Clause. If any portion of this ordinance shall be judged unconstitutional or contrary to the laws of the State of Texas, such section shall not invalidate the remaining portions of this ordinance, and it is hereby expressly declared that the remaining of this ordinance would have been adopted notwithstanding the invalid portions thereof, and it is hereby expressly declared that all of the remaining portions of this ordinance would have been adopted notwithstanding the invalid portions thereof, and that such portions not declared unconstitutional or contrary to the laws of the State of Texas shall remain in full force and effect.

Section 8. - Repealing of Conflicting Ordinance. All ordinances or part of ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED ON THIS THE 11th **DAY OF** August **, 2020**

TO TAKE EFFECT IMMEDIATELY.

David Zajicek

David Zajicek, Mayor

AFFIRMED:

Angela Harrington

Angela Harrington, City Secretary