

28

ORDINANCE NO. 382

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, MAKING IT UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION TO PERMIT WEEDS, BRUSH OR ANY OBJECTIONABLE OR UNSIGHTLY MATTER TO GROW TO A HEIGHT GREATER THAN TWELVE (12") INCHES WITHIN ONE HUNDRED FIFTY FEET (150) OF ANY PROPERTY LINE; PROHIBITING THE GROWTH OF CULTIVATED CROPS WITHIN THE RIGHT-OF-WAY OF ANY PUBLIC STREET OR EASEMENT; MAKING IT THE DUTY OF ANY PERSON TO CUT AND REMOVE ALL SUCH WEEDS, ET CETERA; PROVIDING THAT THE CUTTING AND REMOVING OF THE WEEDS, ET CETERA EVERY THIRTY (30) DAYS CONSTITUTE COMPLIANCE WITH THIS ORDINANCE; PROVIDING FOR NOTICES TO OWNERS OR OTHER PERSONS VIOLATING THE TERMS OF THIS ORDINANCE; AUTHORIZING THE CITY TO CUT SUCH WEEDS, ET CETERA, AND CHARGE THE COSTS TO THE OWNERS OF THE PROPERTY; MAKING THE CHARGES FOR THE CUTTING OF THE WEEDS, ET CETERA, A LIEN AGAINST THE PROPERTY UPON FILING A STATEMENT WITH THE COUNTY CLERK OF DALLAS COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; MAKING AND PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

Section 1. Hereafter it shall be unlawful for any person, firm or corporation owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied within the corporate limits of the City of Mesquite, to permit weeds, brush or any objectionable or unsightly matter to grow to a greater height than twelve (12) inches upon any such real property within one hundred fifty (150) feet of any property line. It shall be the duty of such person, firm or corporation to keep the area from the line of his property to the curb line next adjacent to it, if there be a curb line, and if not, then within ten (10) feet outside that property line, free and clear of the matter referred to above. All vegetation not regularly cultivated and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement but shall be kept mowed the same as provided above.

Section 2. It shall be the duty of any person, firm or corporation owning, claiming, occupying or having supervision or control of any real property, as provided in Section 1 hereof, to cut and remove all such weeds, brush and other objectionable or unsightly matter as often as may be necessary to comply with Section 1 hereof; provided that the removing and cutting same at least once in every thirty (30) days shall be deemed a compliance with this ordinance and to use every precaution to prevent the same growing on such premises so as to become a nuisance as herein defined.

Section 3. In the event that any person, firm or corporation owning, claiming, occupying or having supervision or control of any real property occupied or unoccupied within the corporate limits of the City of Mesquite, fails to comply with the provisions of Sections 1 and 2 hereof, it shall be the duty of the Fire Chief to give ten (10) days' notice in writing to such person, firm or corporation, violating the terms of this ordinance, or by letter addressed to such person, firm or corporation, at its post office address or by publication two (2) times within ten (10) consecutive days in the City's official newspaper. If such person, firm or corporation fails or refuses to comply with the provisions of Sections 1 and 2 hereof within ten (10) days after date of notification in writing or by letter or date of second publication of notice in the City's official newspaper, the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this ordinance.

Section 4. The expense incurred pursuant to Section 3 above in correcting the condition of such property, and the cost of publishing notice in the newspaper shall be paid by the City and charged to the owner of such property. In the event the owner fails or refuses to pay such expense within thirty (30) days after the first day of the month following the one in which the work was done, the City shall file with the County Clerk of Dallas County a statement of the expenses incurred in correcting the condition on the property. When such statement is filed, the City shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten percent per annum from the date the City incurs the expense. For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the City. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work; improvement or correction of the property, all as more particularly specified in Art. 4436, Vernon's Annotated Texas Civil Statutes, which is hereby adopted.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance, shall be subject to a fine, upon conviction in the Corporation Court, of not more than Two Hundred (\$200.00) Dollars, and each and every day that the premises shall remain in a condition in violation of the terms of this ordinance shall constitute a separate offense. This section shall be in addition to and cumulative of the provisions for the abatement of the said nuisance and charging the cost of same against the owner of the premises by the City.

Section 6. Should any word, phrase, sentence, clause or paragraph or section of this ordinance be declared or held to be illegal or unconstitutional the same shall not affect the remaining words, phrases, sentences, clause, paragraph or section of this ordinance which shall remain in full force and effect.

Section 7. WHEREAS, the fact that there is no ordinance of the City of Mesquite, Texas, adequately controlling or providing for the cutting and removal of weeds, brush or objectionable or unsightly matter, creates an urgency and an emergency and in the preservation of the public health, safety and welfare, requires that this ordinance shall take effect immediately after its passage as the law in such cases provides.

PASSED by the City Council of the City of Mesquite, Texas, on this the 7th day of August, 1961.

B. W. Cruce, Jr.
B. W. Cruce, Jr.
Mayor

ATTEST:

Norma G. McGaughy
Norma G. McGaughy
City Secretary

Published 8-10-61