

## ORDINANCE NO. 682

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING CHAPTER 19 OF THE MESQUITE CITY CODE, AND PROVIDING AS FOLLOWS: 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 (150) FEET 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 ALL SUCH WEEDS, ETC.; PROVIDING THAT THE CUTTING OF THE WEEDS EVERY THIRTY (30) DAYS CONSTITUTES COMPLIANCE WITH THIS ORDINANCE; MAKING IT UNLAWFUL FOR ANY PERSON, FIRM OR CORPORATION TO ALLOW THE ACCUMULATION OF STAGNANT WATER, RUBBISH, TRASH, CARRION AND FILTH; PROVIDING FOR NOTICES TO OWNERS OR OTHER PERSONS VIOLATING THE TERMS OF THIS ORDINANCE; AUTHORIZING THE CITY TO CUT SUCH WEEDS AND BRUSH, AND TO REMOVE STAGNANT WATER, RUBBISH, TRASH, CARRION AND FILTH; PROVIDING FOR A CHARGE TO BE LEVIED AND COLLECTED IF SUCH WORK IS DONE BY THE CITY AND CHARGE THE COST TO THE OWNERS OF SUCH PROPERTY; PROVIDING THAT THE CHARGES SHALL BECOME A LIEN TO BE LEVIED AND COLLECTED BY THE CITY TAX ASSESSOR-COLLECTOR; PROVIDING A SAVINGS CLAUSE; AND 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. It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied within the corporate limits of the city, to permit weeds, brush or any objectionable or unsightly matter to grow to a greater height than twelve inches upon any such real property within one hundred fifty feet of any property line. It shall be the duty of such person 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 feet outside that property line, free and clear of the matter referred to above. All vegetation not regularly cultivated and which exceeds twelve 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. DUTY OF PROPERTY OWNER TO CUT OR REMOVE. It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property, as provided in the next preceding section, to cut and remove all such weeds, brush and other objectionable or unsightly matter as often as may be necessary to comply with the next preceding section; provided,

that the removing and cutting same at least once in every thirty days shall be deemed a compliance with this ordinance and every person shall use every precaution to prevent the same growing on such premises so as to become a nuisance.

Section 3. DUTY OF PROPERTY OWNER TO REMOVE STAGNANT WATER, RUBBISH, TRASH, CARRION OR OTHER IMPURE OR UNWHOLESOME MATTER. It shall be the duty of any person 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 keep such property owned by him free from stagnant water, rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind, and to keep the sidewalks in front of this property free and clear of the same; and, to fill up, drain or regrade any lots, ground or yards which shall be unwholesome or have stagnant water therein; and, to cleanse and disinfect any house, building, establishment, lot, yard or ground from rubbish, trash, filth, carrion or other impure or unwholesome matter of any kind.

Section 4. NOTICE TO OWNER TO REMOVE, ETC.; REMOVAL BY CITY UPON FAILURE OF OWNER TO DO SO. In the event that any person owning, claiming, occupying or having supervision or control of any real property occupied or unoccupied within the corporate limits of the city fails to comply with the provisions of Sections 1, 2 and 3, it shall be the duty of the City to give ten (10) days' notice in writing to such person violating the terms of this ordinance or by letter addressed to such person at his post office address or by publication two times within ten consecutive days in the city's official newspaper. If such person fails or refuses to comply with the provisions of Sections 1, 2 and 3 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, and may charge the expenses incurred in doing or in having same done, to the owners of such property as provided hereafter in compliance with Article 4436, Revised Civil Statutes of Texas, as amended.

Section 5. FAILURE TO COMPLY WITH REMOVAL NOTICE. Any person, firm or corporation who shall fail to comply with the Notice as set forth in the preceding sections 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

Ordinance No.  
Page 3

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. CHARGE TO BE LEVIED AND COLLECTED IF WORK DONE BY CITY. The expenses incurred by the City of Mesquite pursuant to the correcting of conditions as set forth in this ordinance, shall be charged to and become a lien on the real estate or lot or lots upon which such expense is incurred. Such charges to be levied shall be as follows:

(a) All lots up to 12,000 square feet	\$15.00
All lots 12,000 square feet to one acre	25.00
Each additional acre or part thereof	2.00

In the event that there are obstructions such as rocks, trees, shrubs, bushes, excavations, foundations of demolished structures or other impediments, an additional charge can be levied, assessed and collected against such premises for the actual cost resulting from the additional expenses incurred therefrom.

(b) In the event that it becomes necessary for the City of Mesquite to go upon property and do or cause to be done the work necessary to seek compliance with Section 3, above, the actual expenses incurred shall be charged, levied, assessed and collected against such property.

Section 7. CHARGES TO BECOME A LIEN TO BE LEVIED AND COLLECTED BY THE CITY TAX ASSESSOR-COLLECTOR. The charges provided for in this ordinance shall be levied, assessed and collected by the Tax Assessor-Collector of the City of Mesquite. In the event the owner of said premises upon which work was done and charges incurred fails or refuses to pay such charges and expenses within thirty (30) days after the first day of the month following the one in which the work was done, the Tax Assessor-Collector shall file with the County Clerk of Dallas County, a statement by the City Manager setting out the expenses that the City has incurred pursuant to the provisions of this ordinance, and the City of Mesquite shall thereby perfect a privileged lien on the property involved, second only to tax liens and liens for street improvements, to secure the expenses incurred; together with ten (10%) percent interest from the date such payment was due. For any such expenditures and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the

Ordinance No.

Page 4


City of Mesquite; and, the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended for any such work or improvements.

Section 8. 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, clauses, paragraphs or sections of this ordinance which shall remain in full force and effect.


Section 9. REPEALING INCONSISTENT ORDINANCES. All ordinances or parts thereof inconsistent herewith are hereby repealed. Chapter 19 of the Mesquite City Code is hereby specifically repealed.

Section 9. WHEREAS, the fact that there is not an ordinance of the City of Mesquite, Texas, adequately controlling or providing for the cutting and removal of weeds, brush or objectionable or unsightly matter, and the removal of stagnant water, rubbish, trash, carrion or other impure or unwholesome 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.

DULY PASSED by the City Council of the City of Mesquite, Texas, on this the 19 day of June, 1967.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary