

ORDINANCE NO. 1521

AN ORDINANCE OF THE CITY OF MESQUITE AMENDING SECTIONS 19-5 AND 19-1 TO PROVIDE FOR NOTICE TO CUT AND REMOVE WEEDS, GRASS AND OBJECTIONABLE AND UNSIGHTLY MATTER BY PERSONAL DELIVERY OR BY CERTIFIED MAIL AND DEFINING UNSIGHTLY AND OBJECTIONABLE MATTER; BY PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-5 of the Code of the City of Mesquite is amended to read as follows, in all other respects to remain in full force and effect:

Any person who shall fail to comply with the notice as set forth in Section 19-4 shall be given further notice as follows:

- (1) Personal Notice Verbally or in Writing. If verbal notice, the person giving such notice shall make a memorandum of the date and time of such verbal notice.

If the notice is in writing, a copy shall be preserved, which upon proof of delivery, shall be evidence of the notice required herein.

- (2) By United States Mail. If the notice is by mail, the letter shall be certified (or registered) return receipt requested. If the return receipt indicates the notice was received by a member of said owner or person in control's household, agent or servant, or that same was unclaimed other than for absence of addressee from such address, proof of same shall be deemed prima facie evidence of such notice and failure to accept such certified mail shall not absolve such party from compliance herein. Such notice shall require that said party shall comply with the provisions of this Chapter within not less than five (5) nor more than ten (10) days from receipt of said notice. (If the mail is unclaimed, date of receipt shall be deemed to be one business day after date of mailing.)

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Provided, however, that in the event of unusual rain or other events, the Chief Health Inspector may allow additional time, not to exceed ten (10) days for compliance.

Upon failure of the owner or person in control of premises to correct a violation upon expiration of the time of the foregoing notice or any extension thereof, such party shall be subject upon conviction in the Municipal Court, a fine not to exceed Two Hundred Dollars.

This Section shall be in addition to and cumulative of the provisions for the abatement of the nuisance and charging the cost of same against the owner of the premises by the City.

SECTION 2. That Section 19-1 of the Code of the City of Mesquite is amended to read as follows, in all other respects to remain in full force and effect.

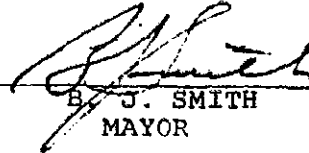
It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied within the corporate limits of the City, to permit weeds, brush or any objectionable or unsightly matter to grow to a greater height than twelve inches upon any 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. All vegetation not regularly cultivated and which exceeds twelve (12) inches in height, excluding trees and shrubs and domesticated flowers shall be prima facie deemed to be objectionable and unsightly, subject to rebuttal as in other cases.

Regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street, but shall be mowed as provided herein.

SECTION 3. Should any word, phrase, sentence, paragraph or section of this ordinance be held to be invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 4. The fact that the present ordinance is insufficient to control the growth of weeds, grass and objectionable and unsightly matter creates an urgency and emergency and requires that this ordinance shall take effect immediately from and after its passage and publication as the law in such cases provides.

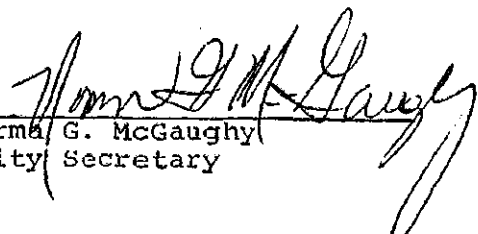
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 2nd day of July, A.D., 1979.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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