

ORDINANCE NO. 12

AN ORDINANCE OF THE CITY OF BELLS, TEXAS FIXING CHARGES DUE AND OWING THE CITY OF BELLS FOR CUTTING WEEDS AND GRASS ABOVE A DESIGNATED HEIGHT PROVIDING FOR PAYMENT IN CASE THE CITY SHOULD CUT THE SAME AND PROVIDING AN ADDITIONAL METHOD FOR COLLECTING SAID CHARGES BY LEVYING AN ASSESSMENT AGAINST THE OWNERS AND THE PROPERTY TO SECURE THE PAYMENT OF SAID ASSESSMENT AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLS, TEXAS, THAT:

A tax is levied against the owner and the property where weeds and grass are permitted to exceed ten (10) inches in height, and where the City of Bells cuts such weeds and grass from the property which tax shall be the sum of .25¢ per hundred square feet and not less than \$25.00, and shall be payable upon receipt of statement. In the event said tax is not paid within 30 days after billing the tax shall be placed on the tax records of the city and shall bear interest at 6% per annum until paid, and an assessment shall be levied against the owner of said property and against the property itself by resolution of the City Council, which assessment shall be filed in the deed records of Grayson County, Texas.

The health, safety and welfare of the citizens of Bells being directly affected by high grass and weeds and immediate action in that regard during the season being imperative, it was further ordered by the said City Council that all rules requiring three (3) separate readings have been suspended by affirmative vote of the entire Council by reason of said emergency which is here declared and this ordinance is hereby taken to be in full force and effect immediately from and after the date of its passage.

PASSED AND ADOPTED this 6th day of October, A. D. 1970.

Bill Shipworth
Mayor

ATTEST:

J. C. Young
City Secretary

City of Bells Ordinance

#06-12

Titled: TALL GRASS AND WEEDS NUISANCE

Sec. 12-01. Definitions.

1. Abate means to eliminate by removal, repair, rehabilitation, or demolition.
2. Brush means scrub vegetation or dense undergrowth.
3. Matter means that of which any physical object is composed.
4. Vegetative growth means any grass, weeds, shrubs, trees, brush, bushes or vines.
5. Weeds means any vegetation that, because of its height, is objectionable, unsightly or unsanitary, excluding: shrubs, bushes and trees, cultivated flowers and cultivated crops.
6. Owner means any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property and including any tenant.
7. Property means all privately owned occupied or unoccupied property, including vacant land, and/or a building designed or used for residential, commercial, business, industrial or religious purposes. The term "property" shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

Sec. 12-02. Weeds and Brush over twelve (12) inches high.

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, grass or any objectionable or unsightly matter to grow to a greater height than twelve (12) inches. All vegetation, not regularly cultivated, and which exceeds twelve (12) inches in height, shall be presumed to be objectionable and unsightly matter.
2. It shall be unlawful for any owner or occupant of any property within the city to suffer or permit tree limbs, brush or unsightly vegetation to grow within one (1) foot of the public street.
3. It shall be unlawful for any owner or occupant of any property within the city to suffer or permit tree limbs, brush and other vegetation existing above a public street or alley to hang lower than twelve (12) feet above the alley or public street pavement or seven (7) feet above the sidewalk and other rights-of-way.

4. With respect to lots, tracts or parcels of land of five or more acres and under single ownership, the provisions of this section shall not apply to any area greater than one hundred (100) feet from any open public street or thoroughfare, as measured from the right-of-way line of such street or thoroughfare, and greater than one hundred (100) feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line.
5. Property designated as and/or required by an ordinance to be maintained in its natural state shall be exempt from the provisions of this section.
6. Property included as part of a conservation easement shall be exempt from these provisions.
7. Property that is part of a designated floodplain shall be exempt from these provisions.

Sec. 12-03 ABATEMENT PROCEDURE FOR GRASS AND WEEDS.

1. Failure of owner to comply with article provisions; issuance of notice.
 - a. If 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 this article, it shall be the duty of the city secretary or duly appointed representative to give a minimum of ten (10) days' written notice to such person violating the terms of this article.
2. Service of notice.
 - a. Notice of the violation will be delivered to the owner or occupant in person or by notice left at the location. If the property is vacant, then the notice will be mailed to the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located and delivered by the United States Postal Service. The property will be reinspected no sooner than after seven (7) days of the date on the notice. If the property is not in compliance at this time, citation may be issued by the Police Department.
3. Contents of notice.
 - a. In a notice provided under this article the city may inform the owner by regular mail and by posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first

anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take action permitted and assess expenses as provided by section 12-04.

Sec. 12-04. City may correct violation

- a. **Procedure.** If at least seven (7) days has expired after notice has been given in accordance with section 12-03 and the owner has failed to correct the violation, the city may enter upon the property and do the work, or pay for the work to be done, as necessary to correct the violation. If the owner commits another violation of the same kind or nature on or before the first anniversary of the date of a notice of a violation as required in section 12-03 and the city has not received written notification by the owner of an ownership change, the city without further notice may correct the violation at the owner's expense and assess the expenses against the property as provided by section 12-04.
- b. **Owner assessed costs.** A statement of the costs incurred by the city in correcting a violation shall be mailed to the property owner. The costs shall include an administrative fee established by the city council and on file in the office of the city secretary. The payment shall be due within thirty (3) days of the date of mailing.
- c. **Lien to secure costs.** If the statement is not timely paid, the city may file a statement with the Grayson county clerk of the costs incurred. Upon filing the statement, the city shall have a privileged lien on the land upon which the costs were incurred, second only to tax liens. The amount of the lien shall include two (2) times the retail value of the incurred costs. The statement of expenses or a certified copy of the statement is prima-facie proof of the expenses incurred by the city. To collect the costs, suit may be instituted and recovery and foreclosure had in the name of the city.

Sec. 12-05. Additional authority to abate dangerous weeds.

- a. The city may go upon property and do or cause to be done the work necessary to obtain compliance with section 12-02 without notice when:
 - (1) Weeds have grown higher than forty-eight (48) inches; and
 - (2) Are an immediate danger to the health, life, or safety of any person.
- b. No later than the tenth day after the date the city causes the work to be

done under this section, the city shall give notice to the property owner in the manner required by section 12-03 (2).

c. The notice shall contain:

- (1) An identification, which is not required to be a legal description, of the property.
- (2) A description of the violations of the article that occurred on the property.
- (3) A statement that the city abated the weeds.
- (4) An itemized statement of the charges incurred by the city in doing or in having such work done as necessary to bring the real property into compliance.
- (5) An explanation of the property owner's right to request an administrative hearing before the council about the city's abatement of the weeds.

d. Appeal of costs imposed. Within fifteen (15) days of the date the statement of costs is mailed to the owner of the premises, the owner may appeal the reasonableness of the charges billed for abating the condition to the city council by filing a written statement with the city council, stating why the charges are unreasonable. The appeal shall be submitted to the city council for review within a reasonable time after filing. If the city council finds the charges unreasonable, it shall assess the costs as it deems reasonable. The administrative charge shall not be appealed.

e. The city may assess expenses and create liens under this section as it assesses and creates liens as provided in this article.

Sec. 12-06. Penalty:

Any person in violation or failing to comply with the requirements of any part of City of Bells, Ordinance #06-12, shall be deemed guilty of a Class C Misdemeanor and upon being adjudged guilty, shall be punished by a fine not to exceed five hundred dollars (\$500.00).

READ AND ACCEPTED this 1 day of AUGUST, 2006.

APPROVED:

Josh Bass
Mayor

ATTEST:

Judith Miller
City Secretary

This amendment shall replace Ordinance #12 dated October 6, 1970