

ORDINANCE NO. 14-08

AN ORDINANCE REQUIRING THE OWNERS OF PROPERTY ADJACENT TO THE STREETS AND ALLEYS IN THE CITY OF HUNTINGTON, TEXAS, TO KEEP THE AREA BETWEEN THEIR PROPERTY AND THE TRAVELED PORTION OF THE STREETS AND ALLEYS FREE OF BRUSH, WEEDS, AND TALL GRASS; PROVIDING FOR THE MOWING AND/OR CUTTING OF BRUSH, WEEDS AND GRASS BY THE CITY IN THOSE SITUATIONS WHERE THE PROPERTY OWNER FAILS OR REFUSES TO DO SO AND FOR THE ASSESSMENT OF COSTS ASSOCIATED THEREWITH; PROVIDING PENALTIES FOR VIOLATING THIS ORDINANCE; AND REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

WHEREAS, tall brush, weeds and grass growing on property adjacent to the traveled portion of streets and alleys in the City of Huntington, Texas, constitute a blighting and detrimental influence on the City; and,

WHEREAS, it is the desire of the City Council of the City of Huntington to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive or nuisance conditions.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTINGTON, TEXAS:

SECTION 1. That all persons and entities owning property in the City of Huntington, Texas which lies adjacent to a public street or alley (adjacent property owner) shall maintain the area between said property owner's property line and the traveled portion of the street or alley in a neat appearing manner and free of tall brush, weeds and grass. Any brush, weeds and grass on the above referenced property (subject property) allowed to grow or obtain a height of more than twelve (12) inches shall, for purposes of this Ordinance, be considered tall and shall constitute a violation hereof.

SECTION 2. Any person or entity in violation of the terms and provisions hereof shall be given notice of said violation and advised to address the same within seven (7) days. Only one seven (7) day notice per year shall be sent to the adjacent property owner. If, after the adjacent property owner brings the subject property into compliance and the property comes into violation again within 12 months of the date of notice, the City may, without additional notice, take the measures established in this ordinance to bring the property into compliance.

SECTION 3. If the adjacent property owner fails to bring the subject property into compliance with the standards herein prescribed within seven (7) days of the date on which notice to do so is given, , the City Administrator, or the City Administrator's designated representative, is authorized to take any of the following actions:

- (a) Issuance of a municipal court citation (and possibly monetary fine) for any day on which the violation remains uncorrected and/or,
- (b) Cause the property to be mowed, the brush cut, or do whatever else is reasonably necessary to bring the subject property into compliance herewith and assess all costs associated therewith, including reasonable administrative costs, against the adjacent property owner as provided in section 4 of this ordinance.

SECTION 4. In the event that the adjacent property owner shall neglect or fail to bring the subject property into compliance with this ordinance and the City therefore cuts the brush, mows the weeds and grass or takes other action as is reasonably required, the City Administrator or the City Administrator's designated representative shall give notice to the adjacent property owner regarding the costs associated with bringing the subject property into compliance herewith. That notice shall state that payment of said costs is due and payable within thirty (30) days of the date thereof. If the costs remain unpaid after thirty (30) days following the giving of notice regarding such, the City may impose a lien against the adjacent property owner for abatement cost as provided by state law.

SECTION 5. If the adjacent property owner cannot be served personally or by certified mail with notice of a violation hereof or with notice regarding the City's costs in bringing the subject property into compliance herewith service may be made by publishing one notice in the official newspaper of the city. If notice of costs due is given by publication payment shall be due within thirty (30) days from the date of publication.

SECTION 6. Any person guilty of violating this ordinance shall, in addition to being responsible for the costs as hereinabove provided, shall be punishable by a fine not to exceed \$2,000. Each day any violation of any provision of this ordinance shall continue shall constitute a separate offense.

SECTION 7: If any section, subsection, sentence, clause, phrase or portion of the Ordinance for any reason shall be held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect any of the remaining provisions of this Ordinance.

SECTION 8: All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other Ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION 9. This ordinance shall be in full force and effect from and after its publication in the official city paper.

PASSED AND APPROVED this 28th day of October, 2014.

THE CITY OF HUNTINGTON

Frank Harris

Frank Harris, Mayor

ATTEST:

Julie Davis

Julie Davis, City Secretary

