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ORDINANCE NO. 583

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING ARTICLE I OF CHAPTER 14 OF THE CODE OF THE CITY OF ABILENE, TEXAS, BY DELETING ALL OF SECTION 14-4 AND SUBSTITUTING A NEW SECTION 14-4 THEREFOR BY ADDING A NEW SECTION 14-4(a) THERETO; BY DELETING THE FIRST SENTENCE IN SECTION 14-5 AND SUBSTITUTING ANOTHER SENTENCE THERETO; REGULATING THE HEIGHT TO WHICH GRASS, WEEDS OR UNCULTIVATED PLANTS SHALL BE PERMITTED TO GROW UPON PRIVATE PROPERTY; REQUIRING OWNERS TO KEEP PRIVATE PROPERTY FREE OF GRASS, WEEDS, BRUSH AND UNCULTIVATED PLANTS; PROVIDING FOR NOTICE OF VIOLATION AND DECLARING A MISDEMEANOR THEREOF; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND PASSAGE.

WHEREAS, the City Council of the City of Abilene has found that the health, safety and welfare of many of the citizens of the City of Abilene are adversely affected by the existence of uncultivated grass, weeds and brush upon private property within the corporate limits of the City; and,

WHEREAS, the City Council of the City of Abilene feels that it would be to the best interest of the citizens of Abilene, Texas, to amend Article I of Chapter 14 of the City Code of the City of Abilene, Texas, by deleting all of Section 14-4 and substituting another Section 14-4 thereto; by adding a Section 14-4(a) thereto and by deleting the first sentence in Section 14-5 and substituting another sentence in its place; now, therefore,

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

PART 1: That Article I of Chapter 14 of the City Code of the City of Abilene be, and the same is hereby amended by deleting all of Section 14-4 thereto and substituting a new Section 14-4 therefor to read as follows:

Sec. 14-4. UNSANITARY OR HAZARDOUS CONDITIONS  
ON PREMISES - ENUMERATED; NOTICE TO  
REMOVE BY THE HEALTH DEPT.

Upon the discovery of any of the following unsanitary or hazardous conditions upon any lot or parcel of land, the director of the Abilene-Taylor County health department shall give the owner, tenant, lessee or occupant thereof notice of such condition:

- (a) Holes or other low areas upon such premises where water or unsanitary or hazardous matter might collect or accumulate.
- (b) Accumulated stagnant water or any garbage, trash or any other unsanitary matter.

Such notice shall provide a legal description of the property, set forth the nature of the violation and provide for compliance within ten days. Such notice shall be by a certified or registered letter addressed to each such owner at his last known address on record in the City Tax Office. If the owner's address is unknown, such notice may be given by publication of the notice one time in a local daily newspaper of general circulation.

PART 2: That Article I of Chapter 14 of the Code of the City of Abilene, Texas, be, and the same is hereby amended by adding Section 14-4(a) thereto to read as follows:

Sec. 14-4(a). UNSANITARY CONDITIONS ON PREMISES  
CAUSED BY UNCULTIVATED GROWTH OR  
GROWTHS OF GRASS, WEEDS AND BRUSH  
IN EXCESS OF TWELVE INCHES (12");  
NOTICE TO MOW OR REMOVAL THERE-  
FROM BY THE CITY LEGAL DEPT.

(a) It shall be unlawful for any person, firm, corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City of Abilene to suffer or permit grass, weeds or brush that is uncultivated to grow to a greater height than twelve inches (12") on any lot, tract or parcel of land within the corporate limits of the City of Abilene, two (2) acres in size or less, or a tract of land the size of a city block or less; a block being 300 feet by 300 feet.

(b) On tracts of land two (2) acres or more or tracts the size of a city block or more, a block being 300 feet by 300 feet, it shall be unlawful for any person, firm, corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any such tract of land to suffer or permit grass, weeds and brush in excess of twelve inches (12") in height to grow uncultivated within one hundred feet (100') adjacent to and along any dedicated public street within the corporate limits of the City of Abilene or within one hundred feet (100') on either side of any platted lot that is occupied by a resident or business.

(c) When any violation of this Section exists or is found to exist and is reported to the City Attorney's office of the City of Abilene, a notice by certified or registered letter will be addressed to the owner of the property in question addressed to the address as listed on the Tax Rolls in the Tax Office of the City of Abilene, or if the address of the property owner in question is unknown, then notice may be given by publishing one day in a local, daily newspaper of general circulation, of the violation and specifying a stated length of time to be not less than ten days from the date of the receipt of the registered or certified letter or not less than ten days from the date of the notice by publication setting out and providing a legal description of the property

setting forth the nature of the violation and providing for compliance within ten days, notifying the owner of the property in question to correct the condition resulting in the violation. Failure of the owner or occupant to correct the condition within the specified period of time shall constitute a misdemeanor.

(d) The City may, after notice and the expiration of the specified period of time to correct the violation, enter upon the lot, tract, or parcel of land or portion thereof, and do such work as necessary or cause the same to be done in order to correct the violation as set out in Section 14-5 of Article I, Chapter 14 of the Abilene City Code.

(e) Any person, firm, corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land or portion thereof, failing to comply with this Section hereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Hundred Dollars (\$200) and each and every day's violation thereof shall constitute a separate and distinct offense. The failure of any corporation, partnership or association of persons owning or operating, having supervision or control of any lot, tract, parcel of land or portion thereof to comply with any of the provisions hereof, shall render the President, Vice-President, Local Manager, Partner, Local Agent or associate, heir or devisee liable to the penalty set out in this Section.

PART 3: That Article I of Chapter 14 of the City Code of the City of Abilene be, and the same is hereby amended by deleting the first sentence in Section 14-5 and substituting another sentence therefor to read as follows:

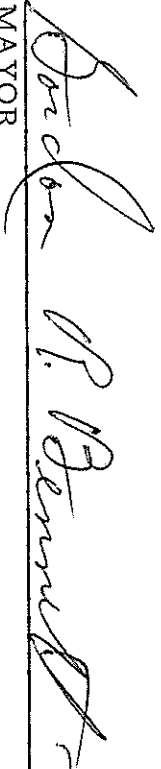
After ten days have expired from the mailing of a notice as provided in Section 14-4 or 14-4(a), it shall be unlawful for the person named therein to have failed to comply therewith.

PART 4: That should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

PASSED AND APPROVED ON FIRST READING this the 27th day of April,  
A. D. 1972.

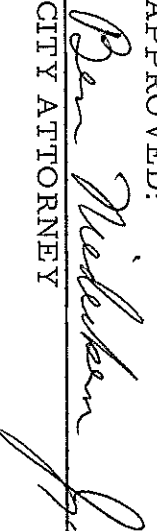
After said passage a notice of time and place where and when said Ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter News, the official newspaper of the City of Abilene. Said publication being on the 1 day of May, A. D. 1972, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said Ordinance was passed on second and final reading.

PASSED AND APPROVED ON ITS SECOND AND FINAL READING on this the 25 day of May, A. D. 1972.

  
MAYOR  
Pro Tempore

ATTEST:

  
CITY SECRETARY

APPROVED:  
  
CITY ATTORNEY