

AN ORDINANCE REGULATING THE HEIGHT TO WHICH GRASS, WEEDS OR UNCULTIVATED PLANTS SHALL BE PERMITTED TO GROW WITHIN THE CORPORATE LIMITS OF THE CITY OF PELICAN BAY, TEXAS UPON PRIVATE PREMISES; REGULATING THE HEIGHT TO WHICH GRASS, WEEDS OR UNCULTIVATED PLANTS SHALL BE PERMITTED TO GROW ALONG OR ADJACENT TO PUBLIC STREETS; PROHIBITING THE OBSTRUCTION OF ANY STREET OR ALLEY; REQUIRING THE CUTTING AND REMOVAL OF CERTAIN WEEDS AND GRASS BY CERTAIN PERSONS; PROVIDING FOR THE CUTTING AND REMOVAL OF GRASS AND WEEDS BY THE CITY OF PELICAN BAY WITH THE COST INCURRED TO CONSTITUTE A LIEN; PROVIDING A PENALTY FOR THE VIOLATION HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PELICAN BAY, TEXAS:

SECTION 1.

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 a portion thereof, occupied or unoccupied, within the corporate limits of the City of Pelican Bay, to suffer or permit grass, weeds or any plant that is not cultivated to grow to a greater height than ten (10) inches on an average, or to grow in rank profusion upon said premises.

SECTION 2.

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 a portion thereof, occupied or unoccupied within the corporate limits of the City of Pelican Bay, to suffer or permit grass, weeds or any plant that is not cultivated to grow along the street adjacent to the same between the property line and the curb, or if there is no curb then within ten (10) feet outside that property line to a height greater than ten (10) inches, on an average, or to grow in rank profusion upon said premises.

SECTION 3.

It shall be unlawful for any person to wilfully obstruct or injure or cause to be obstructed or injured, or maintain any obstruction in any manner whatsoever upon any street, alley or utility easement adjacent to any premises owned or controlled by said person within the corporate limits of the City of Pelican Bay, Texas.

SECTION 4.

In the event that the owner of any lot, tract, parcel of land, or a portion thereof, situated within the corporate limits of the City of Pelican Bay, shall fail to comply with this Ordinance, then the Mayor or a designated representative may cause such property owner to be notified by letter addressed to the owner's last known post office address. The City of Pelican Bay shall have complied with this requirement by advising such owners of their responsibilities under this Ordinance at the beginning of each growing season. Following the expiration of not less than ten (10) days from the date of the notice, the City of Pelican Bay may enter upon such premises and may do such work as necessary or cause the same to be done in order that the premises comply with the requirements set forth in Section 3. The City of Pelican Bay may enter onto such premises and may do such work as necessary, or cause the same to be done, as often as violations exist without further notification to the property owner during the growing season.

A bill for the actual cost incurred and a reasonable administrative charge incurred by the City of Pelican Bay resulting from the abatement of the above described condition shall be mailed to the owner of said premises and must be satisfied within thirty (30) days of the date of mailing of said bill. In the event that said bill has not been satisfied within the specified period, the Mayor of the City of Pelican Bay may file a statement with the County Clerk of Tarrant County of the expenses incurred in the abatement of the above described condition on said premises and the City of Pelican Bay shall have a privileged lien on any lot or lots upon which such expense is incurred second only to tax liens and liens for street improvements and ten percent (10%) on the amount from the date such payment is due. For any such expenditure and interest as aforesaid suit may be instituted and recovery and foreclosure had in the name of the City of Pelican Bay, and the statement so made as aforesaid, or a copy thereof, shall be prima facie proof of the amount expended in any such work performed by the City of Pelican Bay.

SECTION 5.

If any article, section, subsection or paragraph of this Ordinance is found to be unconstitutional, the effect of such holding by a court of competent jurisdiction shall in no way affect the validity or enforceability of any and all other remaining articles, sections, subsections, and paragraphs.

It is the purpose and intent that each paragraph, subsection, section and article of this Ordinance be severable and independent one from another.

SECTION 6.

Any person violating any of the provisions of this Ordinance shall, upon conviction, be fined in any sum of money not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00). Each day any such violation of this Ordinance shall continue shall constitute a separate offense.

SECTION 7.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this 2nd day of November, 1982.

APPROVED:

BY: *Richard Howard*  
RICH HOWARD, Mayor

ATTEST:

BY: *Susan Brown*  
SUSAN BROWN, City Secretary