

ORDINANCE NO 2016-04

AN ORDINANCE REGULATING THE HEIGHT TO WHICH WEEDS, GRASS, OR PLANTS SHALL BE PERMITTED TO GROW; PROHIBITING THE GROWTH OF TREE LIMBS, BUSHES, VINES OR SHRUBS FROM OVERHANGING THE STREETS AND PUBLIC RIGHT OF WAY; PROHIBITING THE PLACING OR ACCUMULATION OF TRASH AND DEBRIS IN THE STREETS OR ALLEYS, ALONG THE STREETS, OR WITHIN VIEW OF A STREET OR ALLEY; REQUIRING THE CUTTING AND REMOVAL OF GRASS, WEEDS, PLANTS, TREES, TREE LIMBS, VINES, OR SHRUBS ALONG THE STREETS; PROHIBITING THE LOCATION OF ANY FENCE OR GATE WITHIN PUBLIC RIGHTS OF WAY; PROVIDING FOR WRITTEN WARNING OF VIOLATION; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta North, Texas is a Type A general law municipality located in Parker County, and created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council deems it in the best interest of the health safety and general welfare of its citizens to establish regulations to limit the height of grass and weeds within and adjacent to public right of way, to require trimming of trees which constitute visibility obstructions, to prohibit any gate or fence within public right of way, and to prohibit any rubbish, junk, trash, garbage, and other unsightly or unsanitary matter adjacent to public streets in order to facilitate drainage, facilitate the unhindered passage of emergency service vehicles and prevent damage to public streets and alleys.

NOW, THEREFORE, NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA NORTH, TEXAS, THAT:

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 Town of Annetta North to suffer, permit or allow (i) upon any street or roadway, or (ii) in the right of way area, including any culvert or "bar ditch," that is within ten (10) feet of the edge from such street or roadway adjacent to such lot, tract or parcel:

- a. Grass, weeds, brush, or any plant, which is not cultivated to grow to a height greater than 12 inches on average;

- b. Trees, bushes and other vegetation that (i) has limbs or branches at a height less than eight feet above the street, (ii) hinders or impairs the driving of a motorist, (iii) obscures a motorist's or pedestrian's view of any street, or (iv) causes or creates a hazard that could reasonably cause property damage or personal injury;
- c. Rubbish, junk, trash, garbage, discarded items, filth, accumulation of dirt or gravel, or any other unsightly or unsanitary matter which would offend a person of ordinary sensitivities to accumulate or remain upon the premises;
or
- d. Accumulation of dirt, gravel or other fill that may reasonably impede storm water drainage and flow.

Section 2.

It shall be unlawful for any person owning, leasing, claiming, occupying, or having supervision or control of any real property within the town, to suffer, permit, or allow a fence or gate in the right of way that is adjacent to their premises.

Section 3.

The conditions described in Section 1 or Section 2 of this ordinance are detrimental to the safety and welfare of the general public, tend to reduce the value of private property, invite vandalism, create fire hazards, constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of Annetta North by producing urban blight adverse to the maintenance and continuing development of the Town of Annetta North and are hereby declared to be a public nuisance.

It shall be the duty of 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 Town of Annetta North to remove any conditions which are in violation of Section 1 or Section 2 of this ordinance.

Section 4.

Any person violating any of the provisions of this ordinance, shall be issued one warning notice and after ten (10) days, if the violations stated on the warning notice still exist, a citation shall be issued; and upon conviction, a fine of not more than five hundred dollars (\$500.00) shall be assessed. Each day any such violation of this ordinance shall continue shall constitute a separate violation.

Section 5.

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

(a) Extra Territorial Jurisdiction Boundaries

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta North, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

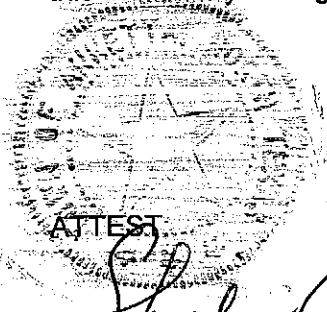
Section 7.

The Town Secretary is hereby directed to cause the publication of the descriptive caption and penalty clauses of this ordinance.

Section 8.

This ordinance shall be in full force and effect immediately upon passage.

PASSED, APPROVED AND ADOPTED by the Town Council of Annetta North, Texas, on this the 9th day of August, 2016.



ATTEST

Sheila Elmore

Sheila Elmore, Town Secretary

Robert Schmidt

Robert Schmidt, Mayor