

ORDINANCE NO. 112008

AMENDING AND REPLACING ORDINANCE NO. 108 REGARDING WEED CONTROL

AN ORDINANCE PROVIDING FOR THE CONTROL OF THE GROWTH OF WEEDS UPON REAL PROPERTY IN THE CITY OF KRESS, TEXAS; PROVIDING FOR NOTICE TO THE OWNER OF SUCH PROPERTY; PROVIDING FOR ASSESSMENT BY THE CITY FOR EXPENSES INCURRED IN CONNECTION WITH CONTROLLING THE GROWTH OF WEED ON SUCH PROPERTY; ESTABLISHING A LIEN AGAINST THE SUBJECT REAL PROPERTY TO SECURE PAYMENT OF SUCH EXPENSES; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of Kress, Texas, finds that there exists certain real property within the city limits of Kress, Texas, upon which weeds have been allowed to grow profusely and uncontrolled; and

WHEREAS, such growth has created a health hazard and an unsightly appearance and is interfering with the health and welfare of the citizens of the city;

NOW, THEREFORE:

BE IT ORDAINED BY THE CITY OF KRESS, TEXAS

Section 1.

All owners of real property located in the City of Kress, Texas, shall maintain proper control over the growth of weeds on their property by either eradication or cutting at necessary and proper times.

Section 2.

In the event any such owner shall fail or refuse to properly control the growth of weeds on his property, the City Clerk is hereby directed to notify the last known owner of such property in writing of his or her (or their) violation of Section 1 above, and such owner shall be given ten (10) days from the date of the notice to correct the violation. The notice shall be sent to the last known address of such owner, and shall be complete when mailed.

Section 3.

In the event that the owner of the property has not correct the violation within ten (10) days from the date of the notice provided for in Section 2 above, the City of Kress will proceed to have the weeds on such property cut and removed. All costs in connection therewith shall be assessed against the owner of the property.

~~\$50.00~~ \$80.00 PER HOUR

Section 4.

(a) A bill for the costs incurred by the City in having the weeds on the property cut and removed in accordance with Section 3 above, shall be mailed to the last known address of the owner of the property and must be satisfied within thirty (30) days of the mailing of the bill. In addition to all other costs, an administrative charge of fifty dollars (\$50.00) shall be added to the bill to cover the City's cost of inspection, reinspection, mailing, publications, bookkeeping, and other administrative expenses related to the enforcement of this ordinance against the owner.

(b) In the event that the bill has not been satisfied within the period specified in subsection (a) of this section, the City may file a statement, signed by the Mayor or the City Administrator, or such other official as the City may file a statement, signed by the Mayor or the City Administrator, or such other official as the City Council may designate, with the County Clerk of Swisher County setting forth the expense assessed by the City against the owner, and including the administrative charges set forth in subsection (a) above.

(c) The City shall have a privileged lien on the real property upon which the costs specified in subsection (a) above were incurred for the amount of such costs, together with interest at the rate of ten percent (10%) per annum from the date that such costs were due. The lien established by this subsection shall be second only to tax liens and liens for street improvements.

(d) In order to recover the costs and interest described above, the City may institute a

lawsuit against the owner of the property, and , in addition, may seek foreclosure of the lien established by subsection (c) above. 7

(e) The statement made by the Mayor, City Administrator, or other designated official, as provided in subsection (b) of this section, or a copy thereof, shall be prima facie proof of the amount expended in any such work performed by the City.

The Ordinance rule requiring the reading of the Ordinance on three (3) separate days be, and the same is hereby suspended; and

WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public that requires this Ordinance to become effective immediately, therefore, it shall be effective from and after the date of passage as made and provided by the Charter of the City of Kress, Texas.

PASSED AND APPROVED this 3rd day of November, 2008.

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