

ORDINANCE NO. O-1309

AN ORDINANCE OF THE CITY OF FATE, TEXAS, AMENDING CHAPTER 14, "ENVIRONMENT", DIVISION 3, WEEDS, TRASH, BRUSH AND OTHER UNSIGHTLY MATTER, SECTIONS 14-196, "OVERGROWN VEGETATION" AND 14-199 "NOTICE TO COMPLY; LIEN; COST OF ABATEMENT BY CITY" OF THE CODE OF ORDINANCES OF THE CITY OF FATE;; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council enacted Ordinance No. 1055 on April 4, 2005, which amended Chapter 14, Division 3 in the Code of Ordinances of the City of Fate, Texas; and

WHEREAS, the City Council desires to further amend Chapter 14, Division 3; and

WHEREAS, the City Council of the City of Fate, has determined that these regulations and the amendments contained in this Ordinance are in the best interest of the City of Fate and will promote the health safety and welfare of the citizens of the City of Fate and the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FATE, TEXAS, THAT:

Section 1. Findings Incorporated.

The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Amendment to Section 14-196, Division 3, Chapter 14 of the Code of Ordinances

DIVISION 3. WEEDS, TRASH, BRUSH AND OTHER UNISGHTLY MATTER, Chapter 14, "Environment", Section 14-196, "Overgrown Vegetation", subsection (a) of the City of Fate Code of Ordinances is hereby amended to hereinafter read as follows:

Sec. 14-196. Overgrown vegetation.

(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, to suffer or permit grass, weeds, or any plant that is not cultivated to grow to a height greater than 12 inches upon said premises. This includes but is not limited to alleyways, utility easements and

ditches in front of, side of, and rear of the property line. In the case of a shared utility easement, alleyway or ditch it will be the responsibility of both property owners to maintain their half of said utility easement, alleyway or ditch.

Section 3. Amendment to Section 14-199, Division 3, Chapter 14 of the Code of Ordinances

DIVISION 3. WEEDS, TRASH, BRUSH AND OTHER UNISGHTLY MATTER, Chapter 14, “Environment”, Section 14-199, “Notice to comply; lien; cost of abatement by city”, subsection (b) of the City of Fate Code of Ordinances is hereby amended to hereinafter read as follows:

Sec. 14-199. Notice to comply; lien; cost of abatement by city.

(b) The building official, or his designee, may give the notice provided for in this section, once per anniversary year of the notice of violation, stating in such notice that the property owner(s) shall maintain grass, weeds, or plants on the property owned by them at a height in accordance with this section at all times, and that in the event such owners fail to do so, the city shall enter upon the property and mow same at such intervals necessary on or before the first anniversary date of the notice of violation, and that thereafter the cost of such mowing shall be charged against the owner and the property as provided in this section. The giving of such anniversary notice shall be deemed to be in compliance with the terms of this section.

Section 4. PENALTY CLAUSE

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to a penalty as provided by the Code of Ordinances of the City of Fate, Texas.

Section 5. SAVINGS CLAUSE

All rights and remedies of the City of Fate, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Fate, Texas, except where 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. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections 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 City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 8. REPEALER CLAUSE

Any provisions of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 9. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Fate, Texas, on this the _____ day of _____, 2014.

Bill Broderick, Mayor

ATTEST:

Jean Dwinnell, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wm. Andrew Messer, City Attorney