

CITY OF WINK

WEED ORDINANCE #326

AN ORDINANCE OF THE CITY OF WINK, TEXAS REQUIRING PROPERTY OWNERS TO KEEP GROUNDS FREE OF WEEDS, RUBBISH, ETC.: PROVIDING FOR NOTICE: AUTHORIZING THE CITY TO PERFORM SUCH WORK, CREATING A LIEN AGAINST PROPERTY FOR CLEANING OR IMPROVING SAME: PROVIDING FOR A PENALTY FOR VIOLATION THEREOF: REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING FOR PUBLICATION OF SAID ORDINANCE.

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

SECTION 1. Definitions.

The words "lot or parcel of real estate", as herein used, shall be held to include in addition to those grounds within their respective boundaries all lots or parcels of ground lying and being adjacent thereto and extending beyond the property line of any such lot or parcel of real estate to the curb line of adjacent streets where a curb line has been established and also to the center of adjacent alleys.

The word "weed", as herein used, shall include all rank and uncultivated vegetation or matter which has grown to more than eight inches in height, or which, regardless of height, is liable to become an unwholesome or a decaying mass or breeding place for mosquitoes or vermin.

The word "brush", as herein used, shall include all trees or shrubbery under seven feet in height which are not cultivated or cared for by persons owning or controlling the premises.

The word "rubbish" shall include all refuse, tin cans, old vessels of all sorts, useless articles, discarded clothing and in general all litter and other things usually included within the meaning of the term.

The words "any and all other objectionable, unsightly or unsanitary matter of whatever nature" shall include all uncultivated vegetation, objects and matter not included within the meaning of the other terms, as herein used, or any other matter or thing which is liable to produce or tend to produce an unhealthy, unwholesome or unsanitary condition.

SECTION 2.

A. The owner or owners of any lot or lots, ground or yard or any places in the City which shall be unwholesome, unsafe or have weeds, brush, rubbish, or stagnant water thereon; or any other condition which is liable to produce disease or create an unhealthy or unsafe condition; shall clean or cause to be cleaned and shall keep the same free from weeds, rubbish, brush, and/or any and all other objectionable, unsafe, unsightly or unsanitary matter of whatever nature.

B. No person may allow weeds, grass, brush or other vegetation to grow in excess of the standards provided herein:

1. Lots and Properties with Structures. On a lot or property that has a structure upon it, any growth of weeds and grass may not exceed a height of eight (8) inches. All brush must also be cleared from the property.

2. Vacant Urban Lots. On platted lots, either single or grouped, within developed areas of the City, and on lots or tracts that do not qualify as vacant undeveloped properties or vacant wooded properties, any growth of weeds or grass may not exceed a height of eight (8) inches. Such property must also be cleared of any brush.

3. Vacant Undeveloped Properties. On undeveloped properties of more than one acre in size, any growth of weeds or grass may not exceed a height of eighteen (18) inches. Such property must also be cleared of any brush within 40 feet of any adjoining right-of-way or property line and litter must not be allowed to accumulate on the property.

SECTION 3.

When any owner fails or refuses to so clean his property as is directed by Section 2 within ten (10) days after notice from the City, in writing, or by letter addressed to such owner at his post office address, or by publication as many as two times within ten (10) days, consecutively, if

personal service may not be had as aforesaid, or the owner's address be not known, the City may do the work or cause the same to be done and may pay therefore and charge the expenses incurred in doing or having such work or improvements made, to the owner of such property.

SECTION 4.

Any owner who fails or refuses to clean his property as is herein provided, after notice as herein provided, may be filed on in the Municipal Court of the City for such failure or refusal and such failure or refusal shall constitute a misdemeanor offense. The penalty and fine upon conviction therefore, shall be not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000) dollars, and each day of such failure or refusal shall constitute a separate offense.

SECTION 5.

In addition to the foregoing remedies, the City may by filing a statement with the County Clerk, create a privileged lien against the lot or lots on which expenses for cleaning or improving have been incurred by the City; such liens thereon shall be second only to tax liens and liens for street improvements to secure the expenditure so made. Such lien shall be created at the time the City shall determine to do the work of cleaning the lot or lots and at the expiration of ten (10) days after proper notice as herein provided, and the Mayor or City Environmental Office shall file a statement of all expenditures, costs, and charges, plus ten per cent (10%) interest from the date of the filing with the County Clerk of Winkler County, Texas. For such expenditure, costs and interest, as aforesaid, suit may be instituted in the District Court of Winkler County, Texas; and the statement of expenditure so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any work or improvements. Provided, however, that all action initiated under this section shall be by expressed direction of the City Council.

SECTION 6.

In case any section, sub-section, sentence or clause of this Ordinance shall hereafter be declared unconstitutional, null, void, or in-operative, the other portions of said Ordinance shall nevertheless remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are expressly repealed. This Ordinance shall be published as required by the City of Wink, Texas.

ORDINANCE #326 PASSED AND APPROVED November 9, 2009.


Gregory J. Rogers
Mayor City of Wink

ATTESTED BY:


Tonya Todd, City Secretary