

ORDINANCE NO. 2010-001

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING ORDINANCE NO. 2001-16, REGULATING OFFENSIVE CONDITIONS ON REAL PROPERTY, TO AMEND AND REVISE THE DEFINITIONS AND REGULATIONS PERTAINING TO HIGH GRASS, WEEDS AND OTHER VEGETATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Aldermen of the Town of Talty, Texas, finds that the conditions and effects of urban blight and the detrimental conditions of property within the Town may depress surrounding property values, invite vandalism and crime, and pose a significant threat to the public health, safety, and welfare; and

WHEREAS, the Board of Aldermen has heretofore adopted Ordinance No. 2001-16, which adopted regulations to prohibit offensive conditions on real property, and seeks to revise such regulations as they pertain to grass, weeds and vegetation, in accordance with the terms and provisions herein, and finds that such regulations and amendments are in the best interest of the public health, safety and welfare. Now, Therefore

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

SECTION 1. That Ordinance 2001-16, heretofore adopted by the Board of Aldermen of the Town of Talty, Texas, be and is hereby amended to amend the provisions of the regulations adopted therein, specifically, Section 1.00 (“Definitions”), to add the definition of “Parkway” following the definition of “Owner,” and preceding the definition of “Property,” such that the definition of “Parkway” shall read as follows:

“Section 1.00 Definitions

As used in this ordinance, the following terms shall have the respective meanings ascribed to them in this section:

...

Parkway shall mean that property adjacent to the property of any owner extending from the property line to the curb line pavement edge or travelled portion of any street, roadway or alley, including adjacent drainage ditches and utility, right-of-way and drainage easements.

...:

SECTION 2. That Ordinance 2001-16, heretofore adopted by the Board of Aldermen of the Town of Talty, Texas, be and is hereby amended to amend the provisions of the regulations adopted therein, specifically, subpart (d) of Section 1.02 (“Unlawful Conditions on Real Property”) to replace subpart (d) in its entirety to read as follows:

“Section 1.02 *Unlawful Conditions On Property*

The owner or occupant of any property within the corporate limits of the Town, whether the same is occupied or unoccupied, shall keep such property free of any of the following conditions which hereby constitute a nuisance and offensive conditions:

...

- d) grass, weeds and vegetation growing to a height of more than twelve (12) inches above grade upon such premises, including the front or side parkway. The cutting and removal of all grass, weeds and vegetation within one hundred fifty (150) feet of the property line and/or any occupied residential development shall be deemed in compliance within this ordinance and section, save and except regularly cultivated crops not growing within a public right-of-way.”

...

SECTION 3. That all provisions of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the Town of Talty not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Ordinances of the Town of Talty, Texas, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances of the Town as a whole.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Ordinances of the Town of Talty, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on the ____day of _____, 2010.

APPROVED:

MAYOR CARLA MILLIGAN

ATTEST:

Town Secretary Sherry Bagby

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DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on
this _____ day of June, 2010.

APPROVED:

MAYOR CARLA MILLIGAN

ATTEST:

Town Secretary Sherry Bagby