

ORDINANCE NO 101-10

AN ORDINANCE OF THE CITY OF SWEENEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SWEENEY IN THE INTEREST OF PUBLIC SAFETY, SANITATION AND WELFARE; ADDING A NEW SECTION 92.05 OF THE CODE OF ORDINANCES OF THE CITY OF SWEENEY, TEXAS REQUIRING PROPERTY POSSESSORS OR OWNERS TO MAINTAIN PUBLIC RIGHT-OF-WAY ABUTTING THEIR PROPERTY; PROVIDING A SAVINGS CLAUSE: PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF CONFLICT ONLY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AT THE DATE OF ITS PASSAGE.

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

Section 1:

The City Council hereby creates a new Section 92.05 of the Code of Ordinances of the City of Sweeny, Texas, entitled "Maintenance of Public Property Adjacent to Owner's Property", and the Code of Ordinances is hereby amended by adding such new section, which shall read as follows:

SECTION 92.05

- (a) The possessor and/or owner of property adjacent to a public roadway or a public easement in the City of Sweeny, Texas, shall keep the owner or possessor's property, and the property within the public right-of-way or public easement abutting the pavement and/or traveled portion of the public roadway or within the public easement, free and clear of high grass and weeds, and other objectionable, unsightly or unsanitary matter of whatever nature.

Unsightly or unsanitary matter of whatever nature shall include, without limitation, grass, weeds, brush or other living material in excess of twelve (12)

inches in height. Property owners and possessors adjacent to public roadways and public easements shall also be responsible for removal of brush and other objectionable unsightly or unsanitary matter, and shall also be responsible for mowing of the grass in a bar ditch or parkway. A bar ditch or parkway is defined as the area between the edge of the roadway and the property owner's property line or fence, if any, or the side of the bar ditch furthest from the traveled roadway.

- (b) In addition to any other legally authorized officer within the City of Sweeny, the City Code Enforcement Officer and/or Building Official shall be authorized to issue citations pursuant to this ordinance, and pursuant to all building, construction and related codes adopted by the City of Sweeny.
- (c) Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction, shall be subject to a fine of not more than FIVE HUNDRED DOLLARS (\$500.00) for each violation.

Section 2:

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3:

If any part or portion of this ordinance shall be determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance

PASSED AND ADOPTED this _____ day of _____, 2009.

KENNETH LOTT, Mayor

ATTEST:

REATA MINSHEW, City Secretary