

TOWN OF ANDERSON
ORDINANCE NO. 95-13
MOWING ORDINANCE

Section A
Definitions

For the purpose of this article, the terms used herein shall be interpreted to read as follows, and any words not herein defined shall be construed in the context used and by ordinary interpretation and not as a word of art:

Brush. Scrub vegetation or dense undergrowth not cultivated.

Condemned Property. Property condemned by the Town of Anderson under Ordinance 73A-09.

Cultivated. The care through weeding, trimming, watering, feeding and generally shaping a plant for ornamentation or food production.

Objectionable and unsightly matter. Any matter, condition or object that is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Owner. Any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property.

Person. Any individual, firm, partnership, association, business, corporation or other entity.

Real property. All privately owned occupied or unoccupied property, including vacant land, and/or a building designed or used for residential, commercial, business, industrial or religious purposes. The term shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

Vegetative growth. Any grass, weeds, shrubs, trees, brush, bushes or vines.

Weeds. Any vegetation that because of its height is objectionable, unsightly or unsanitary, excluding shrubs, bushes and trees, cultivated flowers, and cultivated crops.

Section B
Weeds and Brush over twelve inches high prohibited

1. It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the Town of Anderson city limits, to permit weeds, brush or any objectionable or unsightly matter to grow to a greater height than twelve (12) inches. All vegetation, not regularly cultivated, and which exceeds twelve (12) inches in height, shall be presumed to be objectionable and unsightly matter.

2. With respect to lots, tracts or parcels of land of five (5) or more acres and under single ownership, the provisions of this section shall not apply to any area greater than one hundred (100) feet from any open public street or thoroughfare, as measured by the right-of-way line of said street or thoroughfare, and greater than one hundred (100) feet from any adjacent property under different ownership and on which way any building is located or on which any improvement exists, as measured from the property line.

Section C

Removal of weeds and brush

1. It shall be the duty of every person owning, claiming, occupying or having supervision or control of any real property, as described herein, to cut and remove all such weeds, brush, vegetative growth, and other objectionable or unsightly matter as often as may be necessary to comply with this Ordinance.

2. It shall be the duty of any person owning, claiming, occupying or having supervision or control of any such real property, as described herein, to maintain all rights-of-way adjacent or next to their real property in compliance with this section. All vegetative growth not regularly cultivated and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly and shall be kept mowed. Furthermore, regularly cultivated crops growing within the right-of-way of any public street or easement shall also be kept mowed in compliance with this section.

Section D

Notice to Remove

1. If any person owning, claiming or occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, fails to comply with the provisions of this article, it shall be the duty of the board of inspection or other duly appointed representative to give the minimum of ten (10) days written notice to such person violating the terms of this article.

2. The notice shall be in writing and may be served on such person violating the terms of this article by one of the following methods:

- a. Delivering it to the owner in person; or
- b. By certified mail; or
- c. By posting the notice on or near the front door of the buildings on the property or on a stake driven into the ground of the property.

3. **Notice to owner of property condemned, found to have violated the mowing ordinance, or notified of other health and safety ordinance violations within 12 months of the date of the violation.** If the violation occurs before the first anniversary of the date that the property was condemned or had been notified previously of a violation of the mowing ordinance, or any other notice of a health and safety ordinance violation by the Town of Anderson, the

Town of Anderson may commence removal procedures immediately as stated in Section E, paragraph 5 below.

Section E
Removal by the Town of Anderson

1. If such person violating the terms of this article fails or refuses to comply with the demand for compliance in the aforementioned notice within ten (10) days after the date notification was delivered, post-marked or posted as specified in Section D, the city may go upon such property and do or cause to be done the work necessary to obtain compliance with this article. Any costs, charges and expenses incurred in doing or in having such work done shall be a charge to and a personal liability of such person. In addition the aforementioned charges shall also be a privileged lien upon and against such real property, including all fixtures and improvements thereon. In order to perfect such lien, the board of inspection, or other duly appointed representative, shall first give such owner written notice of demand for payment of such charges. Such written notice may be given by any of the methods provided for in Section D.

3. If such owner fails or refuses to make complete payment of said charges within thirty (30) days of the date of delivery, post-mark of the correspondence, or the posting of the notice, the building official or his duly appointed representative shall file a written statement of such charges with the county clerk of the county in which such real property is located for filing in the real property records. Said statement shall be deemed sufficient if it contains the following minimum information; however, it may also contain such other information deemed appropriate by the building official or his duly appointed representative:

- a. The name of the owner of the real property;
- b. A sufficient description of the real property;
- c. An itemized statement of the charges incurred by the Town of Anderson in doing or in having such work done as necessary to bring the real property into compliance with this article; and
- d. A notarized affidavit executed by any duly appointed representative of the Town of Anderson, stating that all prerequisites required by this article for the imposition of the charges and the affixing of the lien have been met and that all statements and/or representations made therein are true and correct.

4. All such charges shall bear interest at the rate of ten (10) percent per annum from the date the owner of the real property receives the aforementioned notice of demand for payment of such charges. The Town of Anderson may bring suit to collect the charges, institute foreclosure proceedings, or both. The written statement of such charges provided for herein, or a certified copy thereof, shall be prima facie evidence of the city's claim for charges or right to foreclose the lien. The owner of the real property or any other person claiming, occupying or having supervision or control of the real property shall be jointly and severally liable for such charges.

5. Notice to owner of property condemned, found to have violated the mowing ordinance, or notified of other health and safety violations within 12 months of the date of

the violation. If the violation occurs before the first anniversary of the date that the property was condemned or had been notified previously of a violation of the mowing ordinance, or any other notice of a health and safety ordinance violations by the Town of Anderson, the Town of Anderson may go upon such property and do or cause to be done the work necessary to obtain compliance with this article without further notice. Any costs, charges and expenses incurred in doing or in having such work done shall be a charge to and a personal liability of such person. In addition the aforementioned charges shall also be a privileged lien upon and against such real property, including all fixtures and improvements thereon.

Section F
Penalty

1. In addition to any other remedies contained herein, the Town of Anderson may enforce the provisions of this article pursuant to the applicable provisions of Chapter 54 of the Texas Local Government Code, which chapter provides for the enforcement of municipal ordinances.

Section G
Resort to the Courts

1. Nothing in this Ordinance shall be construed as abridging the right of the Town of Anderson, Texas to resort to the courts of this state for the enforcement of this Ordinance, or of the rights of any owner to resort to the courts of this state in an attempt to enjoin the enforcement of this Ordinance.

Section H
Future Amended

1. Any and all portions of this Ordinance are subject to amendment by the Board of Alderman upon notice.