

DIVISION 4. WEEDS*

***Cross references:** Traffic hazards caused by weeds, grass or other vegetation, removal, § 70-49; zoning, ch. 102.

State law references: Weeds, V.T.C.A., Health and Safety Code § 342.006 et seq.

Sec. 38-161. Nuisance declared.

It shall be unlawful for any owner, occupant or agent in charge of any occupied or unoccupied premises within the city to suffer or permit weeds, grass or plants that are not cultivated to grow upon such premises to a height greater than 12 inches, on average, or to grow in rank profusion upon such premises. Any such premises on which any weeds, grass or plants are suffered or permitted to grow above 12 inches or in rank profusion shall be deemed a nuisance and dangerous to the public health and calculated to increase the fire hazard within the city.

(Code 1993, § 78-26)

Sec. 38-162. Maintenance of premises.

It shall be the duty of any owner, occupant or agent in charge of any premises to remove from such premises, or cause to be cut, all weeds, grass or plants that are not cultivated as often as may be necessary to comply with section 38-161, and to use every precaution to prevent such weeds, grass or plants from becoming a nuisance as defined in section 38-161.

(Code 1993, § 78-27)

Sec. 38-163. Report of violation.

It shall be the duty of all police officers to watch for any violations of this division, and to immediately report all facts of such violations to the police chief.

(Code 1993, § 78-28)

Sec. 38-164. Notice to remove.

It shall be unlawful for any owner, occupant or agent of any property within the city to fail, refuse and neglect to remove, cut or destroy any weeds, grass or plants in violation of this division upon any lot which is owned, controlled or occupied by such person after seven days' notification in writing or by letter addressed to such owner, occupant or agent in charge of such property at such person's post office address, or by posting a notice at such address as provided in V.T.C.A., Health and Safety Code § 342.006, or by publication as many as two times within ten consecutive days if personal service may not be had or the owner's address is not known.

(Code 1993, § 78-29)

Sec. 38-165. Costs of removal by city.

(a) If weeds, grass or plants in violation of this division are not cut, destroyed or removed by the owner, occupant or agent of such property within the time specified in section 38-164, the police chief shall cause such weeds, grass or plants to be removed, cut or destroyed and the expense of such work paid by the city shall be a lien on the property as provided in V.T.C.A., Health and Safety Code § 342.007.

(b) Such lien shall be filed in the office of the county clerk, with a statement signed by the police chief or code enforcement officer establishing such expenses. The city shall have a privileged lien, second only to tax liens and liens for street improvements, to secure the payment of the expenditure. The expenditure shall bear interest at the rate of ten percent per annum from the time such lien was made until it is paid, which shall also be secured by the lien as specifically provided in V.T.C.A., Health and Safety Code § 342.007.

(Code 1993, § 78-30)