ORDINANCE NO. 1022

AN ORDINANCE REDUCING TIME TO CORRECT BRUSH PUT OUT TOO EARLY AFTER NOTICE BY AMENDING SECTION 30-137 OF THE TOWN OF HOLLYWOOD PARKS CODE OF ORDINANCES

WHEREAS, the Town of Hollywood Park, a general law Type A city, and its Town Council have the intent to protect the public health, safety and welfare of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 217.002(2) provides that the governing body of a municipality may define and declare what constitutes a nuisance and authorize direct summary abatement of nuisance; and

WHEREAS, Chapter 30, Nuisances, of the Town of Hollywood Park Code of Ordinances sets forth matters pertaining to Nuisance; and

WHEREAS, the time to correct nuisances allotted by the current ordinance has allowed certain property owners to avoid timely compliance; and

WHEREAS, Chapter 30, Nuisances, of the Town of Hollywood Park Code of Ordinances needs to be amended and updated to properly address current nuisances.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS that Section 30-137 of the Town's Code of Ordinances is amended to read as follows:

Division 2. – Weeds, Weed Growth, Trash, Garbage, Rubbish, Etc.

Section 30-137. – Abatement.

(a) The abatement officer shall have the power and duty, when any such situation as described in section 30-136 exists, to require and notify the owner and occupant or person having control of any lot within such Town, to keep free from weeds, rubbish, brush, and any other objectionable, unsightly or unsanitary matter of whatever nature.

1. For weeds over forty-eight (48) inches tall and other immediate threats to the public as listed in Section 2-136 of this Code, may be summarily abated with no advance notification.
2. For weeds under forty-eight (48) inches tall, brush, dead trees, carcass, or dangerous or hazardous materials located on private property or in the public-right-of-way, the abatement office is only required to provide seven (7) days' notice of the violation and requirement the nuisance be abated. Brush placed for brush pickup outside the required time period, but due to the notice falls within the time

period for brush pickup, shall still be considered in violation and subject to the abatement officer's orders.

3. Such notice under (a)(2) shall be deemed to put the owner and all occupiers of a property on notice for a period of one year and the abatement officer does not need to provide notice of any subsequent violations within that year before summarily abating any subsequent violation(s).
4. For summary abatements of subsequent violations, the abatement officer shall provide post-abatement notice in conformity with Section 2-136(b).

(b) If such owner, occupant, or person having control of any lot within the Town fails or refuses to comply with an abatement notice or commits a subsequent violation within a year period of the mailing of the abatement notice, the abatement officer shall issue an abatement order imposing a civil penalty. The abatement officer may then proceed to abate the nuisance through any means authorized by law.

(c) If such owner, occupant, or person having control of any lot within the Town fails or refuses to comply with an abatement notice or order within the time allotted, the Town may do such work or may cause the same to be done and may pay thereof and charge the expenses incurred in doing or having such work done or improvements made, to the property, or to the owner, occupant, or person having control of such property.

(d) The abatement officer may seek an abatement warrant from a court of competent jurisdiction.

(e) If the owner, occupant, or person having control of any lot within the Town fails or refuses to comply with an abatement order, the abatement officer may issue further orders, including civil penalties for each day the property remains out of compliance. The abatement officer may further seek such orders from a court of competent jurisdiction to enforce the abatement order.

(f) The abatement officer, in addition to the remedies provided by any other provision of this article, has the power to cause any of the abatements authorized to be done at the expense of the Town on account of the owners, and cause the expense thereof to be assessed on the real estate, or lot or lots upon which such expense is incurred. On filing a statement by the mayor, city health officer, or other city official designated by the mayor of such expenses with the county clerk, the Town shall have a privileged lien thereon, second only to tax liens and liens for street improvements, to secure the expenditure so made and ten (10%) percent interest on the amount from the date of such payment. For any such expenditures, and interest, as aforesaid, suit may be initiated, and foreclosure had in the name of the Town. The statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements.

II.
CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the Town of Hollywood Park except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

III.
SEVERABILITY

That it is hereby declared to be the intent of the Town Council of the Town of Hollywood Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the Town Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

IV.
PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

V.
EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by state and local law. **Passed** by the Town Council of the Town of Hollywood Park this the 21st day of Jan. 2020.

APPROVED

CHRIS MURPHY, MAYOR

Attest:

JANICE ALAMIA, Town Secretary

APPROVED AS TO FORM:

Town Attorney