



ORDINANCE NO. 13-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING CHAPTER 22, OFFENSES-MISCELLANEOUS, ARTICLE I, IN GENERAL, OF THE CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS, BY ADDING A NEW SECTION 22-22, MOWING, TREE TRIMMING AND CARE OF RIGHT-OF-WAYS AND EASEMENTS FOR THE PURPOSE OF REQUIRING PROPERTY OWNERS AND OCCUPANTS TO MAINTAIN ABUTTING RIGHT-OF-WAYS AND EASEMENTS WITHIN THE CITY.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS THAT:

Section 1. *Chapter 22, Offenses-Miscellaneous, Article I, In General, of the Code of Ordinances of the City of Bellaire, Texas ("Code"), is hereby amended by adding a new Section 22-22, Mowing, Tree Trimming and Care of Right-of-Ways and Easements, for the purpose of maintaining the safety of mobility in the City and to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass, trees, bushes, shrubs, weeds and brush on abutting street right-of-ways in order to prevent unsafe, unsightly, offensive or nuisance conditions in the City of Bellaire. The new Section shall read as set out in Appendix A, attached hereto. All other portions of Chapter 22 of the City's Code not specifically amended hereby shall remain in full force and effect.*

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence,

paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance shall be effective ten (10) days after notice of its passage has been published in the official newspaper of the City.

PASSED, APPROVED and ADOPTED this 18th day of March, 2013.



ATTEST:



Tracy L. Dutton, TRMC
City Clerk

SIGNED:



Philip L. Nauert
Mayor

APPROVED AS TO FORM:



Alan P. Petrov
City Attorney

APPENDIX "A"

Language to be added shown by underline, language to be deleted shown by strike-out).

Section 22-22. Mowing, Tree Trimming and Care of Right-of-Ways and Easements.

a. Definitions.

As used in this section:

Cut or Mow shall mean mechanically maintaining growth of grass, weeds, shrubs, trees or brush at a uniform height.

Nuisance vegetation shall mean trees, plants, shrubs or vegetation which is in the right-of-way and situated so that it interferes with the free and safe use of any street or sidewalk or with visibility along such street or sidewalk.

Right-of-way or easement shall mean the area of a street right-of-way in the City not covered by a sidewalk and lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

Tree shall mean any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown

Uniform Height for grass and weeds shall mean a height not to exceed nine (9") inches.

b. Cutting Specifications and Standards of Practice for Grass and Weeds. A property owner or other person in possession or control of a property shall cut, mow and maintain all grass and weeds upon the right-of-way or easement abutting the property, to a uniform height as defined herein and in a manner so as to be in conformity with and at an even height with all other grass growing on such property. Any property within the City, regardless of occupancy, shall be required to conform to these specifications.

c. Cutting Specifications and Standards of Practice for Trees. A property owner or other person in possession or control of such property shall be required to trim trees within the right-of-way or easement abutting the property so that such trees hang no lower than thirteen (13') feet over any street, right-of-way or easement and no lower than nine (9') feet over any sidewalk within the City.

d. Cutting Specifications and Standards of Practice for Nuisance Vegetation. No nuisance vegetation shall be permitted and a property owner or other person in possession or control of such property shall be required to maintain the right-of-way or easement abutting the property free and clear of nuisance vegetation.

e. Penalty for Violation. The City may assess a fine against a property owner and/or any other person in possession or control of such property of up to \$500.00 per occurrence for a violation of this section.