

§ 92.03 UNSIGHTLY AND OBJECTIONABLE MATTER.

(A) It shall be unlawful for any person, firm or corporation owning real property within the city limits to permit weeds, rubbish, brush or other objectionable, unsightly or objectionable matter of whatever nature to grow, be placed upon, remain upon the person's, firm's or corporation's real property situated within the city limits.

(B) If the owner of property in the municipality does not comply with §92.03(A) within seven days of notice of a violation, the City of Sweeny may:

- (1) Do the work or make the improvements required; and
- (2) Pay for the work done or improvements made and charge the expenses to the owner of the property.

(C) The notice must be given:

- (1) Personally to the owner in writing;
- (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
- (3) If personal service cannot be obtained:
 - (a) By publication at least once;
 - (b) By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (c) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(D) If the city mails a notice to a property owner in accordance with division (C) and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(E) In a notice provided under this section, the city may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this section occurs within the one-year period, and the city has not been informed in writing by the owner of a change in ownership, the city may take any action permitted by § 92.03 and assess its expense as provided by this section.

(F) The city may assess expenses incurred under §92.03(B) against the real estate on which the work is done or improvements made, in the following manner:

- (1) To obtain a lien against the property, the City Manager or his or her designated official must file a statement of expenses with the County Clerk of Brazoria County, Texas. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the County Clerk.
- (2) The lien obtained by the city is security for the expenditures made and interest accrues at the rate of 10% on the amount due from the date of payment by the city.
- (3) The lien is inferior only to tax liens and liens for street improvements.
- (4) The city may bring suit for foreclosure in the name of the city to recover the expenditures and interest due. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work of making the improvements.
- (5) The city may foreclose a lien on property under this section in a proceeding relating to the property brought under Texas Tax Code, Chapter 33.

(G) The city may abate, without notice, weeds that have grown higher than 48 inches and are an immediate danger to the health, life or safety of any person. Not later than the tenth day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by § 92.03(C). The notice shall contain:

- (1) An identification, which is not required to be a legal description, of the property;
- (2) A description of the violations of this section that occurred on the property;
- (3) A statement that the city abated the weeds; and
- (4) Notice of the property owner's right to request an administrative hearing about the city's abatement of the weeds. The city shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the thirtieth day after the date the abatement of the weeds, the property owner files with the city a written request for a hearing. An administrative hearing conducted under this section shall be conducted not later than the twentieth day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds. The city may assess expenses and create liens under this section as provided in § 92.03(F).

(Ord. 136, passed 9-21-65; Am. Ord. 100-07, passed 10-17-06) Penalty, see § 10.99

§ 92.04 DITCHES.

(A) (1) It shall be unlawful for any person, firm or corporation owning property within the city or any tenant of the owner of the property which abuts a drainage or street ditch to permit trash, rubbish, debris, tree limbs, scrap material or any kind of rubble to remain in the drainage ditch or street ditch in front of their property or to in any manner obstruct or cause to be obstructed the natural flow of run-off waters in the city.

(2) It shall further be unlawful for any person, firm or corporation to place trash, rubbish, debris, tree limbs, scrap material or any kind of rubble in the drainage ditches, including, but not limited to ditches along and beside streets in the city limits.

(B) It shall further be unlawful for any person, firm or corporation to knowingly and intentionally obstruct or cause to be obstructed the drainage ditches and/or drainage structures in the city.

(C) It shall be unlawful for any person, firm or corporation to utilize the trash dumpster or trash receptacle of any other person, firm or corporation without the consent of the person, firm or corporation either owning or having the right to control the trash dumpster or trash receptacle.

(D) Any person, firm or corporation who shall violate the provisions of this section shall be presumed to have knowingly and intentionally violated the provisions of the section.

(Ord. 105-93, passed 5-19-92) Penalty, see § 10.99

§ 92.05 MAINTENANCE OF PUBLIC PROPERTY ADJACENT TO OWNER'S PROPERTY.

(A) (1) The owner or person in legal possession of property that is adjacent to a public roadway or a public easement shall be responsible to keep the weeds or grass on said property trimmed to a height of 12 inches, and shall also be responsible to keep the weeds or grass trimmed to a height of 12 inches on any adjacent public roadway or easement within said roadway or easement up to the edge of the roadway, including any area within a bar ditch or parkway. A **BAR DITCH** or **PARKWAY** is described 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 and the area between a public sidewalk and public street. The duty on the owner or possessor of property to keep the grass trimmed as described herein shall apply to any portion of the owner's or possessor's property:

- (a) That is within 150 feet of any building or structure;
- (b) That is within 150 feet of any adjacent developed property;
- (c) That is within 150 feet of a public roadway or sidewalk.

(2) It is a defense to prosecution under this section that the vegetation is an agricultural crop, cultivated shrub, flowers or other decorative ornamental plant under cultivation, or wildflowers, but only until the time as seeds have matured following the final blooming of the majority of the plants.

(B) In addition to any legally authorized officer within the city, the city Code Enforcement Officer and/or Building Official shall be authorized to issue citations pursuant to this section, and pursuant to any building, construction and related codes adopted by the city.

(Ord. 104-19, passed 11-19-19) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) In absence of a penalty being prescribed by the Clean Air Act aforesaid or by the regulations of the State Natural Resources Conservation Commission for violations of the rules and regulations and the Act, any person, firm or corporation who shall knowingly and intentionally violate § 92.01 shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than \$1, nor more than \$2,000. Each day a violation shall continue shall constitute a separate offense.

(B) Any person, firm or corporation violating any of the provisions of §§92.03 and 92.05 of the Code of Ordinances of the City of Sweeny, shall be guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be subject to a fine of not less than \$100 and not more than \$500 for each violation.

(Ord. 107-92, passed 7-21-92; Am. Ord. 101-10, passed 11-17-09; Am. Ord. 106-18, passed 9-4-18)