

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES BY AMENDING CHAPTER 8, HEALTH AND SANITATION, ARTICLE I, SECTION 8-100, CONCERNING GROWTH OF WEEDS AND GRASS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; PROVIDING A CONFLICTING ORDINANCE CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE. (UDC-18-0012)

WHEREAS, in the deliberation of the City Council of the City of Keller, Texas, it is deemed to be in the best interest of the health, safety, and general welfare of the citizens of the City of Keller that the Code of Ordinances be amended by amending Chapter 8, Health and Sanitation, Article I, Section 8-100, by requiring all real property that is a developed non-residential property to be mowed not to exceed 12 inches in height or, if applicable, comply with the landscaping plan on file and maintain landscaping in accordance with the landscape plan and the Unified Development Code; and all other real property that is undeveloped and five (5) acres or less in area shall be completely mowed to provide for an even growth that does not exceed twelve (12) inches in height; and all other real property that is undeveloped and greater than five (5) acres in area shall be mowed to a height that does not exceed twelve (12) inches for a minimum distance of fifty (50) feet from the street right-of-way line, and if adjacent to a developed real property, the perimeter of the undeveloped real property not adjacent to a street right-of-way shall also be mowed to a height that does not exceed twelve (12) inches for a minimum distance of twenty (20) feet; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Keller at least fifteen (15) days before such hearing; and

WHEREAS, it has been determined by the City Council of the City of Keller, Texas, that it is in the best interest of the citizens of the City of Keller, Texas, to establish these regulations therefor;

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, Chapter 8, Health and Sanitation, Article I, Section 8-100, Growth of weeds and grass, be amended to read as follows:

"Sec. 8-100. Growth of weeds and grass.

Any person owning, claiming, occupying or having supervision or control of any real property, whether developed or undeveloped lot, tract, parcel of land, or a portion thereof, occupied or unoccupied within the corporate limits of the City of Keller shall comply with the provisions of this article.

For the purpose of Sections 8-100, 8-110, 8-120, and 8-130 of this article, a developed lot, tract, parcel of land, or a portion thereof, is any real property upon which a primary structure or dwelling has been constructed. Grass and weeds shall not grow on any real property to a height that exceeds twelve (12) inches in accordance with the following:

- (1) All real property that is a developed residential lot, or vacant lot within developed or platted subdivisions, shall be completely mowed to provide for an even growth that does not exceed twelve (12) inches in height.
- (2) All real property that is a developed non-residential property shall comply with Section 8-100, paragraph (1) above, or if applicable, comply with

the landscaping plan on file with the City for the development and shall maintain landscaping in accordance with the landscape plan and the landscape requirements in the Unified Development Code.

- (3) All other real property that is undeveloped and five (5) acres or less in area shall be completely mowed to provide for an even growth that does not exceed twelve (12) inches in height. All other real property that is undeveloped and greater than five (5) acres in area shall be mowed to a height that does not exceed twelve (12) inches for a minimum distance of fifty (50) feet from the street right-of-way line. If the undeveloped real property is adjacent to a developed real property, the perimeter of the undeveloped real property not adjacent to a street right-of-way shall also be mowed to a height that does not exceed twelve (12) inches for a minimum distance of twenty (20) feet.
- (4) A person owning, claiming, occupying or having supervision or control of any real property shall be responsible for maintaining the real property between the sidewalk and the curb or pavement and between any fence, wall or barrier and the curb or pavement."

Section 3: THAT, all other ordinances in conflict herewith are hereby repealed.

Section 4: THAT, any person, firm or corporation violating any of the provisions of this Ordinance as read together with the Unified Development Code, shall be guilty of a misdemeanor and upon final conviction therefore, shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day any such violation continues

shall constitute a separate offense and shall be punishable as such hereunder.

Section 5: THAT, if any section, paragraph, clause, phrase, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6: THAT, this Ordinance supersedes all ordinances or parts of ordinances in conflict with the provisions stated herein.

Section 7: THAT, the City Secretary is hereby authorized and directed to cause publication to the extent required by law of the descriptive caption and penalty clause of this Ordinance as an alternative method of publication provided by law.

Section 8: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of _____ to _____ on this
5th day of June, 2018.

CITY OF KELLER, TEXAS

BY: _____
P.H. McGrail, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney