

ORDINANCE NO. 2010- 23

An ordinance amending Chapter 10 of the Victoria City Code to address issues related to right-of-way maintenance enforcement, repealing conflicting ordinances, providing for severability, providing for codification and savings, providing for enforcement, providing a penalty not to exceed \$2,000 upon conviction and publication, and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The following section of Chapter 10 of the Victoria City Code is amended to read as follows:

Sec. 10-41. - Weeds, brush, junk, unsightly matter, stagnant water--Declared nuisance and prohibited.

(a) The existence of brush, debris, junk, objectionable, unsightly or unsanitary matter, stagnant water, trash, weeds, or any condition that may produce disease on property in violation of this division is hereby declared to constitute a public nuisance subject to the abatement procedures prescribed in this article or otherwise provided in this chapter.

(b) It shall be unlawful for any owner of any lot or parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the corporate limits of the City to permit weeds or grass to grow to a height greater than twelve (12) inches upon said premises, with respect to the following:

(1) ~~With respect to~~ contiguous lots or parcels of land of more than five (5) acres, the provision of Section 10-41(b) shall not be applicable to the area in excess of one hundred twenty (120) feet from ~~to~~ any open public street or alley; or ~~to~~ any adjacent developed property under different ownership;

(2) lots and parcels of land five (5) acres or less must be maintained in accordance with this section in its entirety; and

(3) lots and parcels of land abutting primary and secondary arterial streets, as defined by the Thoroughfare Master Plan, property owners are responsible for the first 15 feet of public right-of-way from the edge of the property line towards the roadway.

2.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

3.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.

4.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

5.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

6.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$2,000.00 as provided in Section 1-8 of the City Code. The City Secretary shall publish the

caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, § 10 of the City Charter.

7.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 21st day of September, 2010.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

PASSED SECOND READING, this the 5th day of October, 2010.

AYES: 6

NAYS: 1

ABSTENTIONS: 0

PASSED THIRD READING, this the 5th day of October, 2010.

AYES: 6

NAYS: 1

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 5th day of October, 2010.



WILL ARMSTRONG, Mayor of the City of Victoria, Texas

ATTEST:

SCARLET SWOBODA, City Secretary

APPROVED AS TO LEGAL FORM:

THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department
City Secretary's Office
Development Services

Copies Sent: October 6, 2010