

ORDINANCE 64 AMENDMENT C

AN ORDINANCE OF THE TOWN OF BAYSIDE, TEXAS, AMENDING ORDINANCE 64 OF WEEDS, BRUSH, RUBBISH, JUNK, UNSIGHTLY MATTER. ADDING EXCEPTIONS TO THE TALL WEED NUISANCE FOR THE PURPOSE OF HAY PRODUCTION BY PERMIT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Bayside, in order to promote the health, safety, and welfare of the citizens of Bayside, has deemed it necessary to set forth certain rules and regulations to regulate whatever is dangerous to human life or health, or whatever renders the ground, the water the air or food a hazard or could cause injury to human life or health.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF BAYSIDE, REFUGIO COUNTY, TEXAS AS FOLLOWS:

SECTION 1. That ORDINANCE 64 ARTICLE IV EXEMPTIONS SEC. 1 D (2) is hereby amended to read:

- (2) Notwithstanding any provision contained herein to the contrary, the use of lots for harvesting hay shall not excuse the requirement that a width of at least one hundred (100) feet from any structure and at least twenty five (25) feet from any adjacent property under different ownership on which habitable structures are located shall be kept mowed at or below the required twelve (12) inch height at all times.

SECTION 2. That ARTICLE IV EXEMPTIONS SEC. 1 (D) is hereby amended to include:

- (8) Notification. The City employee shall give the notice of violation by posting the violation notice on a placard attached to a stake driven into the ground on the property when the hay exceeds twenty-four (24) inches in height or when the hay has not been removed from the property within thirty (30) days. Such notice shall require the abatement of such violation within ten (10) days of such notice.
- (9) Abatement of Violations. Failure to cut and bale said vegetation or failure to remove harvested hay shall be grounds for the permit to be revoked. If the owner of the property does not comply with this section and fails to remedy the violation the city may mow the property or pay for the mowing to be done or remove the harvested hay or pay for the removing of the harvested hay to be done and charge the expenses to the owner of the property.
- (10) The provision of this subsection shall not be applicable to the lots and parcels of land in Residential zones. Residential zones must be maintained in accordance with Article III in its entirety.

SECTION 3. That ORDINANCE 64 ARTICLE V NOTIFICATION SEC.1 (A) is hereby amended to read:

- (A) The City secretary shall notify the owner of a lot in writing of the existence of a violation of ARTICLE II upon such lot. Such notice shall require the abatement of such violation or request to schedule a hearing within ten (10) days of such notice.

SECTION 4. That ORDINANCE 64 ARTICLE VI DUTY TO ABATE SEC. 2 (A) and (B) is hereby amended to read:

- (A) If the owner of the property that does not comply with ARTICLE II SECTION 1 and fails to remedy the violation or schedule a hearing within ten (10) days of notice of a violation, the city may:
- (B) After the work has been completed and paid for by the city, a statement of expenses incurred by the city to abate such conditions and administrative fees as set by the council shall be mailed to the owner of the property. Said fees may be adjusted annually. In some cases, the cost may be higher, especially if much of the work must be done by hand. The owner of the property shall pay for work and administrative fees within thirty (30) days of the date of mailing thereof.

SECTION 5. EFFECTIVE DATE. This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

Date Published in Official Newspaper Oct. 18, 2007

Passed, ordained, approved and adopted this the 9th day of October, 2007.

Attest: Connie Cramer
City secretary

By: Billy P. Frick
Mayor Town of Bayside, Texas