

## **ORDINANCE #974**

**AN ORDINANCE AMENDING CHAPTER 6, "HEALTH AND SANITATION", ARTICLE 6.100 "WEEDS, BRUSH, RUBBISH, ETC." OF THE CITY OF LAKE WORTH CODE OF ORDINANCES (2004), AS AMENDED, BY AMENDING SECTION 6.105(c) CHANGING THE PER ACREAGE FEE ALLOWANCE FOR WORK PERFORMED IN ACCORDANCE WITH SECTION 6.104; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Lake Worth is a home rule City acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council has previously adopted ordinances and regulations prohibiting the growth of grass, weeds, and other vegetation in an uncultivated manner and the accumulation of rubbish, brush, or any other objectionable, unsightly, and unsanitary matter within the city; and

**WHEREAS**, the City Council has authorized the Code Compliance Officer to enter in to mowing agreements and trash removal agreements with independent contractors, in accordance with the requirements set forth herein, to perform work on an as-needed basis to carry out the provisions of Section 6.104 of the City of Lake Worth Code of Ordinances and now desires to amend the provision requiring a set charge per acreage to allow the Code Compliance Officer to set the charge at a reasonable rate; and

**WHEREAS**, pursuant to Texas Health and Safety Code §342.004, the City Council wishes to amend Chapter 6 of the City of Lake Worth Code of

Ordinances which requires owners of lots within the city to keep the lots free of weeds, brush, and high grass.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE WORTH, TEXAS:**

**SECTION 1.**

Article 6.100 "Weeds, Brush, Rubbish, Etc." of Chapter 6 "Health and Sanitation" of the City of Lake Worth Code of Ordinances is hereby amended by amending Section 6.105(c) to read as follows:

**Sec. 6.105(c) Authority to Enter Abatement Agreements**

(c) The Code Compliance Officer shall select the Abatement Contractor and compensate the contractor for each abatement in the following manner:

(1) Mowing, trimming, and light clean-up. For standard mowing, trimming, light clean-up jobs, and smaller tree limbs, a set payment rate shall be used per acre of property. The payment rate shall be set by the City Manager or his designee, under advisement of the Code Compliance Officer, at a rate that is reasonable for the performance of such services.

Contractors shall be placed on a rotational list. When a contractor is notified of a potential job by the Code Compliance Officer, they shall have 24 hours to respond. If a contractor does not respond or refuses

a job (for any reason), that contractor will be placed at the bottom of the list as though he had taken the job. If at any time a contractor does not fulfill the abatement agreement he may be removed from the list of eligible contractors.

- (2) Major clean-up. Larger jobs requiring major clean-up of trash, debris, rubbish, large tree branches, etc., will be done by bid. The Code Compliance Officer will use the rotational list of Abatement Contractors created in accordance with this Section. The Code Compliance Officer will contact the top three contractors for price quotes and will select the contractor who provides the lowest quote for the job. If at any time a contractor does not fulfill the abatement agreement he may be removed from the list of eligible contractors for future bidding.

## **SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and the City of Lake Worth Code of Ordinances (2004), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 3.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 4.**

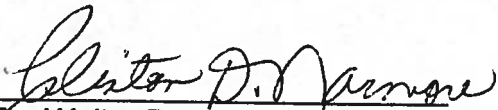
All rights and remedies of the City of Lake Worth are expressly saved as to any and all violations of the provisions of Chapter 6 of the City of Lake Worth Code of Ordinances (2004), as amended, as they relate to abating nuisances in accordance with Section 6.104 which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 5.**


This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 11<sup>th</sup> DAY OF OCTOBER, 2011.

APPROVED:

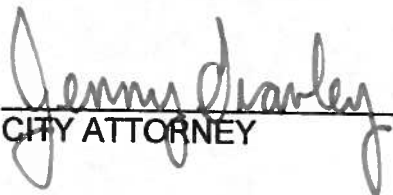
  
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For Walter Bowen, Mayor  
By Clint Narmore, Mayor Pro-Tem

ATTEST:

  
\_\_\_\_\_  
Linda Rhodes, City Secretary

EFFECTIVE: 10-24-11

APPROVED AS TO FORM AND LEGALITY:

  
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CITY ATTORNEY