

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 6 HEALTH AND SANITATION, BY AMENDING SECTION 6.04.001 TALL GRASS AND WEEDS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council ("Council") is the governing body for the City of Rockdale, Texas, and therefore, it must bear the initial responsibility for the integrity of governance; and

WHEREAS, the City desires to regulate vegetation within the curbs and sidewalks; and

WHEREAS, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Section 604.001 TALL GRASS AND WEEDS. Section 6.04.001 Tall Grass and Weeds is hereby amended as follows:

Sec 6.04.001 Tall grass and weeds

- (a) It shall be unlawful for any person, firm or corporation, partnership, association of persons, owner, agent, occupant or anyone having supervision or control of any lot, tract, parcel of land, or a portion thereof, occupied or unoccupied, within the corporate limits of the city, to suffer or permit grass, weeds or any plant that is not cultivated to grow to a greater height than ten (10) inches or to grow in rank profusion upon said premises, including along the sidewalk or street adjacent to the same between the property line and the curb, or if there is no curb then within ten (10) feet outside the property line. No vegetation, including grass, weeds, trees, or shrubs, shall be allowed to grow over **or in** curbs or sidewalks, or in the absence of curbs or sidewalks, to the street or alley pavement. Any landscaping growing above a sidewalk must maintain a minimum vertical clearance of eight feet (8') and any landscaping growing above a paved area for vehicular travel of the right-of-way must maintain a minimum 14' vertical clearance.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provision of this ordinance shall govern.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or applications hereof 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.

Section 5. Savings Clause. All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City 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 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

Section 7. Open Meeting Act. It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED on first reading on this the _____, 2023.

PASSED AND APPROVED on second reading on this the _____, 2023.

ATTEST

THE CITY OF ROCKDALE

Shanna Johnson
City Secretary

Brett M. Boren, Mayor