

ORDINANCE # 1449-2025

AN ORDINANCE AMENDING CHAPTER 6 "HEALTH AND SANITATION" IN SECTION 6.03.031 "MAXIMUM HEIGHT OF GRASS AND WEEDS, REMOVAL OF BRUSH, ETC" REVISING SECTION 6.03.031 BY INCORPORATING (b) "DEAD TREES AND LIMBS" CAPABLE OF CAUSING INJURY TO PERSONS OR DAMAGE TO PROPERTY AND MOVING TO SUBSECTION (c) "PENALTY"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks 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, in order to protect the health and safety of the general public, the Code Enforcement department has recommended that the City incorporate a provision in the River Oaks Code regarding dead trees and limbs; and

WHEREAS, dead trees and limbs can easily fall and damage property and cause injury to the public; and

WHEREAS, without any enforcement, the Code Enforcement has no authority to cause property owners to abate the dangerous issue; and

WHEREAS, the City Council has determined after due and careful consideration that based on Staff's presentation that it is necessary to incorporate provisions in Section 6.03.031 regarding dead trees or limbs which are reasonably capable of causing injury to people or damage to property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:

SECTION 1.

That Chapter 6 "Health and Sanitation" of the River Oaks Code of Ordinances (2020) specifically under Section 6.03.031 "Maximum height of grass and weeds, removal of brush, etc" be amended incorporating Section 6.03.031 (b) "Dead Trees and Limbs" and moving Penalty from subsection (b) to subsection (c) in Section 6.03.031 that once amended to read as follows:

"§ 6.03.031 Maximum height of grass and weeds; removal of rubbish, etc.

(a) Violations. It is an offense for a person, firm, or corporation owning, occupying, or having control of land within the city, whether occupied or unoccupied, to permit:

(1) Grass, weeds, or any plant that is not cultivated to grow to a height greater than 10 inches on the land or between the property line of the land and the curb of an adjacent street or if there is no curb, then between the property line of the land and 10 feet outside the property line adjacent to public right-of-way; or

(2) Rubbish, brush, or other unsanitary or unsightly matter, including, but not limited to junk, trash, garbage, refuse, appliances, or machinery to accumulate or be present upon the property; or

(b) *Dead trees and limbs.* Dead trees and tree limbs, which are reasonably capable of causing injury to persons or damage to property, shall be abated within seven days after:

(1) Being discovered by the owner or landlord or the owner or landlord's maintenance personnel; or

(2) The owner or landlord is notified of their existence.

(c) Penalty. A person who violates subsection **(a)** or **(b)** or who fails to perform an act required by this division commits an offense. A person commits a separate offense each day or portion of a day during which a violation is committed, permitted, or continued. Each separate offense under this division is punishable by a fine as provided in section **1.01.009.**"

SECTION 2. CUMULATIVE

This Ordinance shall be cumulative of all provisions of Ordinances of the city, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3. SEVERABILITY

It is hereby declared to be the intentions 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. SAVINGS

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City of River Oaks Code of Ordinances (2020) or any other ordinances affecting possible nuisances involving maximum height of grass and weeds, removal of brush, dead trees and limbs 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. PENALTY

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2020) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

SECTION 6. PUBLICATION

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this

ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

**SECTION 7.
EFFECTIVE DATE**

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

PASSED AND APPROVED THIS 15th DAY OF APRIL 2025.



**Darren Houk
Mayor**

ATTEST:



City Secretary