

**ORDINANCE NO. 31-2021**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 13, OFFENSES AND NUISANCES, BY ADDING A NEW ARTICLE 13.12 “LANDSCAPE MAINTENANCE ON COMMERCIAL PROPERTY”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to provide minimum standards and regulations to help safeguard and preserve life, property, and the public welfare by regulating the use and maintenance of commercial properties, specifically the landscaping thereof;

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

**SECTION 1.** The Code of Ordinances of the City of Seagoville, Texas is hereby amended by amending Chapter 13 “Offenses and Nuisances” by adding a new Article 13.12 “Landscape Maintenance on Commercial Property” to read as follows:

**“CHAPTER 13 OFFENSES AND NUISANCES**

...

**ARTICLE 13.12 LANDSCAPE MAINTENANCE ON COMMERCIAL PROPERTY**

**Sec. 13.12.001 Definitions**

- (a) “*Commercial property*” shall mean all types of occupancies other than residential and shall include any mixed-use occupancy that includes a nonresidential use.
- (b) “*Healthy condition*” shall mean adequately pruned, trimmed, watered, and cultivated appropriate to the species, maintained free of disease and parasites, as determined by the plant shape, color, and condition of foliage and further shall mean alive, free of weeds and attractive.
- (c) “*Landscaped area(s)*” or “*Landscaping*” shall mean any area upon which is located any type of vegetation, grass, plant, seeds or seedlings, turf, lawn, shrub, flower, fruit, tree, vine, or other natural material.

### **Sec. 13.12.002 Landscaped Areas to Be Maintained on Commercial Property**

An owner, tenant, or person in control of any commercial property commits an offense if the person:

- (a) Does not keep the landscaping on the commercial property in a well-maintained, safe, clean, attractive and healthy condition at all times;
- (b) Does not promptly remove all litter, trash, refuse, and waste from the commercial property;
- (c) Does not provide mowing of the lawn areas on the commercial property, said mowing to be on a weekly basis during the months of March, April, and May of each year;
- (d) Does not prune shrubs on the commercial property to maintain a healthy condition;
- (e) Does not prune trees on the commercial property according to guidelines published by the International Society of Arboriculture;
- (f) Does not water landscaped areas of the commercial property on a regular basis to maintain good plant health;
- (g) Waters, irrigates, or causes or permits the irrigation or watering of the commercial property, including landscaped areas between the hours of 9:00 a.m. and 9:00 p.m.;
- (h) Knowingly or recklessly waters, irrigates, or causes or permits the irrigation or watering of the commercial property, including landscaped areas, causing a substantial amount of water to fall upon impervious areas instead of upon the landscaped areas such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area;
- (i) Operates a lawn or landscape automatic irrigation system or device that has any broken or missing sprinkler head or has not properly been maintained in a manner that prevents the waste of water
- (j) Fails to keep any landscape lighting in working order;
- (k) Discharges, deposits, blows, or sweeps grass, leaves, other vegetation, or litter debris into public or private streets or alleys;
- (l) Operates or causes or permits the operation of an irrigation system or other watering on the commercial property adjacent to any street, sidewalk, alley,

highway, or parking lot so as to cause damage to the other property or to interfere with the free movement of any vehicle or pedestrian; or

- (m) Allows any grass, lawn, weeds, or other vegetation to encroach over the edge of sidewalks, pedestrian ways, driveways, flatwork, curbs, or street pavement.

### **Sec. 13.12.003 Enforcement**

- (a) The provisions of this Article may be enforced against any property owner, property manager, tenant, or other person or entity in possession or control of the commercial property for violation of the provisions contained herein. In addition to issuance of a citation as provided in subsection (b) below which does not require notice, following continued violation after ten days' written notice of the violation to any of the responsible parties identified above, the City shall have the right to:
  - (1) Revoke any building permits, certificates of occupancy, or other approvals or permits previously issued for the commercial property and/or premises;
  - (2) Withhold approval for building permits, certificates of occupancy, and other permits or approvals relating to the commercial property and/or premises; and/or
  - (3) Enter onto the commercial property and/or premises and perform care and maintenance. The property owner and tenants of any part of the commercial property and/or premises on which such work is performed shall jointly and severally be liable for the costs of such work and shall promptly reimburse the City within thirty (30) days such costs. If the property owner or tenant shall fail to reimburse the City within thirty (30) days after receipt of a statement for such work from the City, the said indebtedness shall be a debt of all of said persons jointly and severally and shall constitute a lien against the premises and/or commercial property on which the work was performed. The lien may be evidenced by an affidavit of costs filed in the real property records.
- (b) Any person that violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$2000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (c) Enforcement of this Article shall be the responsibility of the Building Official, Code Enforcement Officer, Police Officer, or other designee of the City Manager. It shall be unlawful for any person to interfere with or prevent authorized enforcement personnel in the performance of their duties."

**SECTION 2.** All provisions of the Code of Ordinances of the City of Seagoville in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the ordinances of the City of Seagoville not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** Should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same should not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage.

**DULY PASSED** by the City Council of the City of Seagoville, Texas, on 18<sup>th</sup> day of October 2021.

APPROVED:



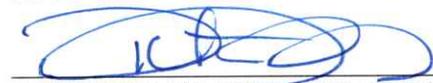
DENNIS K. CHILDRESS MAYOR

ATTEST:



KANDI JACKSON, CITY SECRETARY

APPROVED AS TO FORM:



VICTORIA W. THOMAS, CITY ATTORNEY  
(100121vwtTM125171)