

**ORDINANCE No. 2013-136  
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES REQUIRING THE REMOVAL OF DEAD TREES; PROVIDING FOR NOTICE TO ABATE AND REMOVE DEAD TREES; PROVIDING A PENALTY FOR FAILURE TO REMOVE DEAD TREES; PROVIDING THAT THE CITY MAY REMOVE DEAD TREES OR CONTRACT FOR REMOVAL; PROVIDING THAT A LIEN MAY BE FILED AGAINST PROPERTY TO RECOVER THE COST OF ABATEMENT; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

\* \* \* \*

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

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That section 70-31 of the Shoreacres City Code is hereby amended to read as follows:

**Sec. 70-31. – Removal of dead trees.**

(a) An owner of property shall remove dead trees and tree limbs reasonably likely to cause injury to an individual, cause damage to the property of another, cause damage to any public utility, obstruct a public right-of-way, or provide living or breeding places for insects, ectoparasites, or rodents. The city declares such dead trees to constitute a nuisance in accordance with the provisions of V.T.C.A., Local Government Code § 217.002.

(b) Notification by letter may [will] be given by the city to any [all city] property owners found to have standing or fallen [of] dead trees existing on their property. Such dead trees must be removed at the property owner's expense within 30

days from the date of receipt of such letter of notification. [All fallen trees must be removed from owner's premises within 60 days after date of such notification letter.] Failure to comply with this section shall be unlawful. Any property owner who is notified regarding dead trees on his property and who fails to remove such dead trees within the time limits specified in this section is subject to a fine as provided in section 1-14.

That the Shoreacres City Code is hereby amended by adding to Chapter 70, "Article II TREES," sections to be numbered 70-36 through 70-39, which sections read as follows:

**Sec. 70-36. - Notice of abatement.**

Any owner of such lot that has dead trees who refuses to remove such dead trees, shall be sent a notice to abate such nuisance. The notice shall state that the nuisance shall be abated within ten days after notice to such owner. The notice shall be served personally to the owner in writing or by letter addressed to such owner at his post office address. If personal service cannot be obtained or if the owner's address is not known, such notice may be by publication as many as two times within ten consecutive days in any newspaper in the city or by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

**Sec. 70-37. - Contents of notice; assessment.**

The notice authorized in section 70-36 shall state that if the nuisance is not abated, within such period of time, the city may do such dead tree removal or cause the work to be done and may pay and charge the expenses incurred in doing such work or having such work done to the owner of such lot or real estate. If such work is done at the expense of the city, such expense shall be assessed on the real estate on which such work and expense was incurred.

**Sec. 70-38. - Removal by city; assessment.**

If any owner of any real estate within the city who shall allow dead trees to remain on his property fails and/or refuses to cut down and/or remove such dead trees, within ten days after notice directed by the city to the owner to do so as provided in sections 70-36 and 70-37, the city may do such cutting down and/or removing of such dead trees, or cause the work to be done and may pay therefor, upon approval of the city council, and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of such real estate. If such work is done or improvements made at the expense of the city, such expenses shall be assessed on the real estate upon which such expenses were incurred.

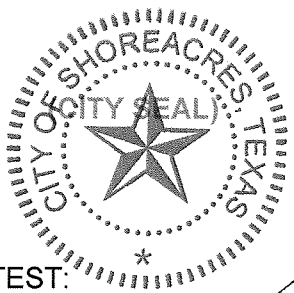
**Sec. 70-39. - Statement of expenses.**

The mayor or city secretary shall file with the county clerk a statement of such expenses incurred under section 70-36 or 70-38. The lien statement shall include the name of the owner, the legal description of the property, the amount of such expenses, and the date on which the work was done or improvements made. The

city shall have a privileged lien on such real estate upon which the work was done to secure the expenditures so made, in accordance with the provisions of V.T.C.A., Health and Safety Code § 342.007, which lien shall be second only to tax liens and liens for street improvements. Such amount shall bear ten percent interest from the date the statement was filed. For any such expenditures and interest, suit may be instituted; and recovery and foreclosure of such lien may be had in the name of the city. The statement of expenses so made or a certified copy of the statement shall be prima facie proof of the amount expended for such work or improvements.

This Ordinance shall be effective immediately after its passage and approval.

PASSED AND APPROVED this the 11th day of March 2013.



*Dolly Arons*  
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Dolly Arons, Mayor

ATTEST:

\_\_\_\_\_  
David K. Stall, CFM  
City Secretary

M/2		Yea	Nay	N/V	Absent
	D. Arons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Z	R. Adams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	S. Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M	C. Ramirez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	M. Webber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Woodruff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Passed / Failed

\_\_\_\_\_  
David Stall, City Secretary - Date

03.11.13