

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 6.03.002, "REGULATION OF WEEDS, RUBBISH, BRUSH, AND OTHER OBJECTIONABLE, UNSIGHTLY, OR UNSANITARY MATTER," OF ARTICLE 6.03, "MAINTENANCE OF PROPERTY," OF CHAPTER 6, "HEALTH AND SANITATION," OF THE TOWN'S CODE OF ORDINANCES BY DEFINING A NUISANCE AND ADDING A PROVISION THAT AN AREA WITHIN 5,000 FEET OF THE TOWN'S CORPORATE LIMITS MAY BE SUBJECT TO REGULATION; MAKING FINDINGS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, the Town possesses the full power of self-government, as authorized by the Texas Constitution and the Town's duly adopted Charter; and

WHEREAS, as an additional means to address complaints related to high grass and weeds, and other unsightly and unsanitary conditions, it is necessary to amend the Town's current noise ordinance and nuisance provisions as set forth in this Ordinance; and

WHEREAS, pursuant to Texas Local Government Code Section 217.022, the governing body of a municipality may undertake measures to address any nuisance within the limits of the municipality; and

WHEREAS, the Town, as a home-rule municipality, pursuant to Texas Local Government Code Section 217.042, may define and prohibit any nuisance within the limits of the municipality and within five thousand feet (5,000') outside the corporate limits of the municipality and further, may enforce all ordinances necessary to prevent and summarily abate and remove a declared nuisance; and

WHEREAS, the Town Council has determined that this Ordinance is in the best interests of the Town and the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Section 6.03.002, "Regulation of weeds, rubbish, brush, and other objectionable, unsightly, or unsanitary matter," of Article 6.03, "Maintenance of Property," of Chapter 6, "Health and Sanitation," of the Town's Code of Ordinances is hereby amended to read as follows:

"§ 6.03.002. Regulation of weeds, rubbish, brush, and other objectionable, unsightly, or unsanitary matter.

- (a) The owner or occupant of any property or a portion thereof, occupied or unoccupied, shall not keep, store, allow, maintain, permit, or accumulate upon any property any refuse, trash and debris, stagnant water, filth, carrion, junk, garbage, impure or unwholesome matter, or objectionable, unsightly, or unsanitary matter that:
 - (1) Is visible from a street or alley;
 - (2) Creates or may create an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease carrying pests; or
 - (3) Emits a noxious odor.
- (b) The owner or occupant of any property or a portion thereof, occupied or unoccupied, within the town, shall not allow, maintain, or permit upon any property grass, weeds, brush, or other unsightly vegetation to grow thereon to a height greater than 12 inches. Such property shall include the area between the property and the curb or edge of pavement of any adjacent street or alley. With respect to uncultivated or agricultural properties, the owner or occupant of such property shall be required to maintain grass, weeds, brush, or other unsightly vegetation to a height less than 12 inches only within 100 feet of any adjacent street, alley, or property of different ownership.
- (c) A violation of this Section 6.03.002 is hereby declared to be a nuisance if it exists within the corporate limits of the town or within 5,000 feet of such limits. It shall further be unlawful for a person who owns, manages, or controls a property to allow such property to be used in a manner that violates this section."

SECTION 4

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution from being

commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6

Any person, firm, corporation, or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 7

This Ordinance shall become effective after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 24TH DAY OF MARCH, 2026.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney