

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 6.03.001, "DEFINITIONS," OF ARTICLE 6.03, "MAINTENANCE OF PROPERTY," OF CHAPTER 6, "HEALTH AND SANITATION," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS; ADDING NEW SUBSECTIONS (c) AND (d) TO 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 CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF.

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

WHEREAS, the Town, as a community, has been supportive of providing safe passage for those individuals who traverse upon its sidewalks, including those residents of the Town who may be mobility impaired; and

WHEREAS, the growth of weeds, grass, and other vegetation upon or onto sidewalks creates an unsightly appearance and may impede safe passage upon sidewalks by those residents who traverse the sidewalks; and

WHEREAS, the growth of weeds, grass, and other vegetation over a curb into a street or gutter creates an unsightly appearance and may impede the flow of water along a street or in a gutter designed to transport water into a storm sewer system, detention system or other area where excess water is captured; and

WHEREAS, the Town Council has determined it is in the best interests of the Town's residents to establish proper regulations for sidewalks and curbs throughout the Town.

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 6.03.001, "Definitions," of Article 6.03, "Maintenance of Property," of Chapter 6, "Health and Sanitation," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended by adding a new definition of "sidewalk" to read as follows:

"Sec. 6.03.001 Definitions.

(a) For the purposes of this article, the following terms shall have the following definitions:

* * *

Sidewalk means that portion of a dedicated right-of-way or easement improved and intended for pedestrian use only.

* * *

SECTION 3

From and after the effective date of this Ordinance, a new Subsection (c) is hereby added to 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 Code of Ordinances of the Town of Prosper, Texas, to read as follows:

"Sec. 6.03.003 Regulation of weeds, rubbish, brush, and other objectionable, unsightly, or unsanitary matter.

* * *

(c) 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 sidewalk on property any grass, weeds, brush, or other unsightly vegetation to grow thereon or onto a sidewalk. The sidewalk shall remain passable, and the owner shall be responsible for mowing, edging and/or removing the grass, weeds, brush, or unsightly vegetation on any sidewalk so as not to create an unsightly appearance or impede safe passage upon sidewalks by those residents who traverse the sidewalks.

(d) 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 curb associated with such property any grass, weeds, brush, or other unsightly vegetation to grow thereon or onto a curb. The gutter associated with such curb shall remain passable for the flow or passage of water, and the owner shall be responsible for mowing, edging and/or removing the grass, weeds, brush, or unsightly vegetation on any curb so as not to create an unsightly appearance or impede the flow or passage of water into any gutter associated with such property."

SECTION 4

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be fined in accordance with Section 1.01.009 of the Code of Ordinances of the Town of Prosper, Texas, and each and every day a violation continues shall constitute a separate offense.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

SECTION 6

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 7

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 13TH DAY OF AUGUST, 2024.

APPROVED:

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney